

THE
CHRISTIAN REMEMBRANCER.

OCTOBER, 1851.

- ART I.—1. *Institutes de l'Empereur Justinien*, par M. BLONDEAU, Professeur de Droit Romain, et Doyen de la Faculté de Droit de Paris. Paris, 1839.
2. *Hortensius*. By WILLIAM FORSYTH, Esq. M.A. London: John Murray. 1849.
3. *Two Discourses, delivered in the Middle Temple Hall*, by GEORGE LONG, Lecturer in the Middle Temple. London: Charles Knight.

AMONG the salient points of contrast between the constitution of political societies, in the ancient and the modern world, a chief place may be assigned to the more strongly defined characteristics of ancient nationality. It would be easy, indeed, to select attributes unmistakeably descriptive of the three leading nations on the arena of modern Europe; but the influence of Christianity—a religion universal alike in its sympathies and its ends—tends undoubtedly to soften down, rather than to cherish, the idiosyncrasies of race; nor are the most pregnant varieties of the European kingdoms coeval with ourselves to be compared with those cardinal diversities which, intensifying, by the most concentrated association, the vital differences of religion, race, and law, have engraved upon the great nations of antiquity the impress of a mission alike providential and distinct. To the Israelite colonists of Palestine was bequeathed the paramount and illustrious charge of keeping alive upon the earth the idea of a Spiritual Creator—the belief in the Unity and Personality of God—of the transitory character of the world, and of a future state of retribution. To the Greek was consigned that province in the education of humanity, which consisted in the evolution of the fruits of the mind from its own essence, from the contemplation of its ‘own acts and laws of action,’ contrasted with the investigation of the properties of matter, and the laws of the sensible world. But the destinies of the Roman revolved in a loftier and more enduring sphere than those of the Athenian. To mow down with the ruthless sword the

liberties of the world, only to reconstitute them on a firmer basis, and restore them in a truer form; to incorporate with themselves, by a communion of laws, language, and institutions, the whole framework of civilized antiquity; to pave the way for the rapid spread of Christianity by renewing the original unity of the human race, was the immortal triumph of a people born for law and empire—

‘Terris nomen fatale regendis;’

a people who, originally a small settlement on the banks of the Tiber, witnessed the gradual confluence of the destinies of nations into the ocean-stream of their own majestic history; whose long and romantic career of glory merged only in the milder and more durable empire of laws which survived the shock by which all other civilization fell: survived to infuse the science of civil justice amid the anarchical rudeness of unlettered feudalism; to influence millions at the present hour, and to interweave with their broad and equitable principles the jurisprudence of that remote and barbarian isle—our own Britain—the synonym once of a state irreclaimably savage, ‘which the imperial Roman shivered as he named.’

The very infancy of Rome was coloured by tradition with that national sentiment of reverence for law, which—a minor element in the Teutonic, utterly wanting in the Celtic tribes, and ‘modified in the Ionian by the surpassing vigour of their intellect’—spreading with the spread of the Latian arms, gradually diffused itself throughout the western world. The institutions of Romulus go hand in hand with his martial deeds; the cherished fame of Servius and Numa was solely that of legislation; the misfortunes of Tullus were ascribed to his neglect of Numa’s rites; and the memory of the warlike Ancus was associated with the lasting ceremonial of his creation; while the hated race of Tarquin, the sole exception in this continuous portraiture of a national and hereditary bias, was alien alike in origin and character from the Roman people.

It is not in the ambitious tumult of political life—rather amid social and domestic scenes, when the constraints of publicity are thrown aside, and the natural workings of the mind resume their play—that biography seeks familiar access to the heroes of the past. Sieges and battles, and blood-stained conquests, prominently figure in the annals of Rome; yet they only heighten the contrast with the calm and deliberate tenor of legislative acts and civil policy, to which we must recur, if we would know how the Roman people lived and thought. Gibbon’s assertion that ‘the laws of a nation form the most ‘instructive portion of its history,’ is emphatically true of the

history of Rome; the records of the Roman jurisprudence are an invaluable supplement for the want of native authors coeval with the most interesting æras of the State; they reveal the action of those internal elements of society, the knowledge of which alone redeems ancient history from a mere chronicle of wars and conquests. The national character and policy, their domestic habits, sentiments, and social usages, all the relations of life, are shadowed in the universal mirror of their laws. Their language, the language of war and the senate, recoiling from the metaphysical subtleties of Greece, is deeply tinged with the legislative bias of the people; and their literature is rich to overflowing in allusions, images, and illustrations, of which the forum was the source. On the tablets of bronze, and still more in the sanctions of immemorial custom, (themselves superior to, and the source of law, and a most important element¹ of the Roman code,) are pourtrayed in bold relief the characteristic features of the people. Their stern senatorial spirit; their respect for constituted authority and deference to ancestral usage, modified by the practical sense which instinctively yielded the reforms demanded by the lapse of time and circumstances, yet reverenced antiquity amid cautious change; thus linking the present to the past, the maturity to the infancy of the State. All that was national and peculiar in the relations of father and son, husband and wife; the gradual softening of the harsher lines of those relations, and of the earlier austerity, when fallen Carthage had liberated Rome from her formidable foe; the relaxation of morals, till all virtue and simplicity merged in the dissolute grandeur of the Empire; the unconscious influence of manners upon law, and their mutual reaction; the method of that provincial government which gradually, and by no rude or violent transitions, moulded the discordant mass of subject races into an uniform dominion, ruled by common laws, and animated by one informing and controlling spirit; these and kindred illustrations are bequeathed to us in this traditional delineation of the people, the fidelity of whose lineaments is beyond suspicion.

Closely interwoven with their respect for human law was that public sense of religion, which so forcibly impressed Polybius, that he ascribed to it the political triumphs and greatness of Rome; a sense that arrayed not itself in the fair and voluptuous Pantheism of Greece, in the idolatry of human

¹ ‘Jus moribus constitutum.’ ‘Ex non scripto,’ says Justinian, *Instit.* i. ii. 9, ‘Jus venit quod usus comprobavit: nam diuturni mores consensu utentium cōprobati legem imitantur.’ The connexion between the legal use of the word ‘mos,’ and its use in the appeal of Horace, ‘Quid leges sine moribus?’ is very significant.

passions; a sense which influenced the heart, and the whole province of morality, more nearly than any other form of heathenism; which instinctively recoiled from unholy¹ and licentious objects of adoration, and, rooted in a firm and abiding faith in the invisible, and in the moral government of the world, deemed the genuine incense of a virtuous² life and example more acceptable to the gods than the fumes of sumptuous sacrifice. The legislator who dared to say, ‘Perjurii pena divina exitium: humana, dedecus,’ could rely upon the national belief that the vengeance of an offended Providence slumbered not on earth. The festivities of marriage, the deliberations of the Senate, the march of armies—all the important concerns of public and of private life—were inaugurated with sacrifice and prayer; yet it was not the frequency of solemn rites, nor the multitudinous objects of their religious worship, wherein they were fairly outrivaled by the volatile Athenians, but the comparative purity and intensity of their religious feelings, that characterised the Roman mind.

Yet, notwithstanding the abundance of the materials and the interest of the subject, but few and partial attempts have yet been made in this country to kindle and diffuse the light reflected upon the lives and manners of the Roman people, in the earlier and purer ages of their annals, by those indelible records of their laws and customs, whose value, ethologically and historically, is so deeply enhanced by the obliteration of the native literature of Latium. Dr. Arnold's chapter on the Laws of the Twelve Tables, clear and fertile in suggestion, as far as it extends, is necessarily confined to the infancy or youth of the Roman State: and the learned articles in Smith's Dictionary of Antiquities, are not free from the inevitable results of condensation—technicality, and the sacrifice of all wider and more interesting illustration of private life and social institutions, to say nothing of the impossibility of eliciting a comprehensive view from a series of detached contributions upon isolated points. A more arduous task devolves upon him who would justify such an attempt in presence of the admirable dissertation which adorns ‘The Decline and Fall.’ But the tribute we cheerfully pay to the profound learning and transcendent talents of Gibbon, cannot allow us to ignore the fresh avenues of knowledge opened to the students of our own age; avenues that are constantly pointing to veins yet partially

¹ ‘Nulla Vitiorum sacra solennia suntio.’

² ‘Ad Divos adeunto caste: pietatem adhibento: opes amovento. Impius ne audeto placare donis iram Deorum.’ Quoted by Tully, de Legg. from the ancient laws of Rome.

³ Upon which Cicero comments: ‘Quod autem non judex, sed Deus Ipse, vindicta constituitur, praesentis poenae metu religio confirmari videtur.’

wrought in the great mine of classical literature. The light which the researches of Savigny have shed upon the extent to which the Roman jurisprudence has been embodied in the civil codes of modern Europe; the conviction that has dawned upon our lawyers' minds—thanks to Mr. Spence's learned lamp—of the vast obligations which our Chancery system owes to that reservoir of equity, the praetorian or edictal law of Rome; combined with the universal admission of the more scientific and flexible structure of the Roman code, and the avowed expediency of reviving its study as the basis of the culture of general jurisprudence, and the principles of law-making; invest with additional interest the history of its sources and development, and might even tempt us to pass our destined goal, the æra of Justinian, and to embark in a sketch of its modern European destinies, could we hope to embrace within the compass of an article so wide a subject, with a due regard to unity and completeness of plan and execution. But this is obviously impossible: we propose, accordingly, to commence with an outline of the materials of this enduring fabric; to follow the mode of administration whereby those materials were wrought into the *Corpus Juris*; and to conclude with a survey of its most interesting features, as delineative of the social characteristics and public policy of the Romans.

I. It is almost a truism to remark, that those legal systems which have exerted a permanent and salutary influence, have uniformly been the genuine offspring of the national genius, and of social development; not the arbitrary finalities that posterity asserts to have sprung, in perfect panoply, from the head of a single lawgiver, though infected, in reality, with all the seeds of vitiation and decay inherent in such crude productions. This is so eminently the case with the whole history and character of the Roman laws, that, before entering on a detailed examination of their sources, it cannot be out of place to offer a few remarks upon that national idiosyncracy which so broadly distinguished the Roman from the other codes of civilized antiquity.

Variety has been styled¹ the characteristic of modern, Unity of ancient civilization. And this, with the single exception of Rome, is doubtless true. Ancient political communities are cast in a pure and simple mould; their constitution is the offspring of a single exclusive idea, intolerant of every rival. Thus, in Egypt, during the Oriental period of castes, theocracy usurped the whole sphere of society; in Athens, democracy reigned supreme; the flag of aristocracy waved alone at Sparta.

¹ Guizot: *Essay on Civilization.*

In Egypt, stagnation and monotony were the results of priestly domination; in Lacedæmon, a rigid conservatism cramped and enchainèd the Doric mind; in Athens, the spirit of progress, too luxurious, ran wild, and the decay of ‘the eye of Greece’ was as rapid as her rise was brilliant. With the old world, a mixed monarchy was an *ens rationale*; Tacitus, with a wider than Aristotle’s experience, regarded it with admiration and despair; and an Athenian would have held our scheme of constitutional government, with an opposition on one side of the House, like Napoleon, and Hajji Baba, as simply suicidal. But the practical wisdom, and political moderation of the Romans, saved them from that tyranny of single principles, which Aristotle justly mentions among the most fruitful germs of national decline. We need not impute to the hoary wisdom of the Catos, or the Decii, any very philosophical appreciation of the value of the balanced sway of antagonistic principles in the body politic; but they cautiously avoided extremes in the temper of their constitution, and they reaped therefrom the harvest of stability and power promised by the Tory Æschylus:

πάντι μέσῳ τὸ κράτος θεὸς ὥπασεν.

Amid all their civil changes, the balance of the constitution was never wholly lost; the power of the Senate was always a formidable check upon the advancing tide of democracy, and the tendencies of innovation were curbed by the national homage for prescriptive authority and ancestral rights and usage. The gradations of rank, wealth, and influence, were sensibly felt and preserved; Tully had much to do to supply the prestige of patrician birth and hereditary renown; and Horace reminds his friend that a Roman audience were very intolerant of affectation—of aught savouring of discrepancy between rank and personal pretensions. The Athenians, on the other hand, had no sooner seized the idea of democracy, than they relentlessly pushed it to its logical conclusion; the prerogatives of the Senate soon yielded to the impetuous current of mob-government; and, if we may believe the Conservative Aristophanes, the slightest deviation from civic equality—even a fastidious nicety in the choice of provisions—marked the conspirator!

It is, indeed, an honourable and distinguishing trait of the Roman mind—a trait impressed upon their whole system and laws, alike constitutional and civil—that it disdained to be superior to nature; that it never attempted to cast mankind in an artificial mould, or to harden him, as the mere creature of an iron Lycurgic system, against the bias of his natural feelings or associations; that it allowed manners and moral sentiments

to precede and dictate laws, not laws to rule and straiten manners. Never was the Roman constitution made the tortured victim of political experiments; never modelled by the obliquity of a lawgiver's caprice on a partial and one-sided view of human nature. Their policy sought not to realize in the Roman citizen the favourite abstraction of a perfect soldier, or a perfect politician, but suffered the genius of the State and its members to develop and evolve themselves, in a wide and comprehensive sphere, from the natural and genuine elements of moral and social growth. Never, till the days of Catiline, was the political atmosphere of Rome fevered by the contagion of socialist dreamers after an ideal equality; the zeal of the Tribunes, the ardour of the Commons for equal laws and equal justice, was exerted in practical efforts for the removal of some actual and pressing grievance; and the whole history and tenor of the Roman dominion, from its dawn to the full radiance of its noon, is written in the same characters. Unlike the dazzling but short-lived conception of the mighty Macedonian, who thought, vain man, that he could alone achieve the work of ages, create alone an universal empire, melt down all national diversities, and amalgamate the East and West—the incorporation of Europe with the language and institutions of Rome was a vision far from the imagination of the founders of the Roman State; it was the gradual structure of a long 'triumphal train' of heroes, patriots and senators—each wise in his own generation—content to deal effectively with the present; neither grasping prematurely at the fruits of conquest, nor pursuing war as the end of government. So that, in sketching the materials of the Roman laws, we have only to follow the progressive expansion of the empire. This we must attempt as succinctly as we may.

The career of Italian conquest was commenced as soon as Rome became a city: and secured by establishing garrisons of Roman soldiers in the conquered places,—their earliest colonies; which had a municipal constitution like that of Rome, and were free members of the political body, retaining the full rights of Roman citizenship, while they were essentially parts of the republic, and owed obedience to the parent city. It was thus that they preserved at once the integrity of the Roman conquests, and the unity of the increasing state. But these military garrisons were gradually cast into disuse, paving the way for the establishment of the Latin colonies, which, in the sixth century, had spread like a network over Italy, from the Volscian highlands to the valley of the Liris, from the Ciminian hills to the frontiers of Apulia. Affiliated to Rome by the same tie of subjection as the rest of the allies, enjoying their own laws and

municipal government, they were yet so far looked upon as foreigners that they could not buy or inherit land from, nor in general even intermarry with, citizens of Rome. But peculiar privileges compensated for this partial infringement of their former rights. A Latin, who left his son to perpetuate his name in his own city, might remove to Rome, and recover the Roman franchise; while any magistrate of a Latin state might at once become a Roman citizen; and these, combined with the advantages offered by an independent grant of land to poor Roman freedmen, so nearly endeared them to the fortunes of Rome, that not a single people of the Latin name joined Hannibal, and unfaithfulness to the sovereign city was held as possible in her very citizens as in her Latin allies. The Romans did not seek to realize an artificial unity in their political system, ere its elements existed; they were as tolerant of political anomalies as our own countrymen; and, while Italy was being gradually absorbed within the pale of the Roman dominion, great inequalities were allowed to chequer the political rights of her several states; arising from the circumstances of their reduction, the temper of the Romans at the time, and their former services or demerits in relation to their conquerors. To some the rights of citizenship were given merely to draw them more closely within the sphere of Roman law and government, and to disperse them from political associations of their own. They had thus the burdens without the advantages of the Roman franchise; debarred from the capacity of voting and of bearing magistracies, they gained no share in the administration of the Roman commonwealth, while they were subject to military service and taxation, lost the internal government of their own affairs, and the power of holding independent courts of justice. Such magistrates as they were suffered to retain were mere phantoms of authority, mere honorary officers, presidents of festivals, sacrifices, pageantry and ceremonial. Even the rights of intermarriage and commercial intercourse with the people of their own stock, were occasionally withheld. To others, as the loyal people of Tibur and Præneste, security and freedom resulted from the union: for they enjoyed to the full the civic privileges of Rome, while they retained their own internal government. But the most numerous class were represented by an intermediate condition, which identified them with the citizens of Rome in every capacity but that of suffrage. Citizenship comprised all that was peculiarly Roman in the relations of father and son, husband and wife: upon these relations depended the laws of inheritance and succession, which were gradually communicated to the Italian cities, as they severally received the franchise. Partial varieties distinguished Italian from Roman

law; varieties, which the conciliatory influence of time and amicable relations smoothed and levelled.

The peculiarities of Italian marriages were only extinguished when the civic rights of Rome were ceded in their plenitude, after the Social War; and the difference in the rate of interest was such as to allow a Roman creditor to evade the law by the nominal transference of his debts to a Latin, who could claim higher usury than was countenanced by Roman practice. But the diversities in the tenure of landed property, within the same geographical limits, were as numerous as the varieties of political condition. Some was formally restored to the vanquished by their conquerors: the tracts occupied by Roman or Latin colonies were grants from the sovereign state, while other portions were reserved as the domain of the Roman people, whether farmed by the government, or tenanted by individuals of Roman, Latin, or Italian blood. But, with the gradual enlargement of the civil and political rights of the allies, the Italian tenure of land became more and more similar to the Roman, and was subjected to the same rules of law as to transfer and acquisition; and the uniformity of law and legal procedure was further developed and maintained by the annual mission of Roman Prefects to the tribunals of the subject towns, by which means many Roman regulations, especially those relating to usury, sureties, wills, and many other matters, were voluntarily introduced among the federated states. Distinctions, originally dictated by justice or expediency, were gradually obliterated; the idiosyncrasies of Roman and Italian law were thus constantly tending to a fusion; a fusion very conducive to the development of a broad, equitable, and comprehensive jurisprudence. The identity of civil laws and private rights preceded and paved the way for the full political union which Rome accorded to the urgent demands of her confederates; and before the Christian era the whole Peninsula, from the Alps to the Straits of Messina, was thoroughly Romanised, and incorporated with the Roman State.

From her system of provincial administration the Republic reaped a harvest of advantages, both in state policy and in the expansion of her civil code, almost as considerable as the benefits she conferred. The captured land did not immediately become an integral part of the Roman State; it did not abruptly lose its nationality; only the sovereignty was transferred from an hereditary dynasty to the senate and people of Rome. The absolute ownership of the soil passed from its former proprietors to their conquerors by a commutation similar to that of alodial for feudal tenure; the natives were virtually tenants-at-will of the Roman commonwealth, but they enjoyed the free cultiva-

tion of their territory as before, subject only to the moderate tribute of a tenth of their wine, oil, and other produce, which (in the case of Sicily) they had paid their own sovereigns; and to the usual Roman impost for grazing their cattle upon the public pastures. All rude and violent transitions, whether of public policy, or civil usage, were studiously avoided. The Roman assessments and other regulations were framed upon the model which the Hieros had left; and the fertile isle was bound to furnish and maintain fleets and soldiers for the Roman service, and to contribute towards the defrayment of military expenses, as it had done beneath the sceptre of its native princes. The administration of justice in the provinces was carried out in the same spirit. Local customs, national religion, and prescriptive rights, not directly clashing with the Roman supremacy, were everywhere treated with respect; and it was only by the gradual improvement of the political relation which the subject country bore to Rome, by the development of commercial intercourse, and the influence indirectly exercised through the dispensation of provincial law by Roman judges, that foreign became assimilated to Roman jurisprudence. From this liberality and moderation in the exercise of power they gathered fruits as solid in the symmetry, breadth, and universality of their laws, and in their flexibility to all social or commercial needs, as in the general satisfaction and attachment of the governed. The tenor of their rule in Sicily may be taken as a sample of their ordinary policy. The island was distributed into districts of assize, each containing a chief town, to which the praetor made regular circuits for the holding of courts of justice, and the despatch of administrative duties. The disputes of Sicilians, citizens of the same town, were decided according to its laws; when citizens of different towns went to law, the governor appointed jurymen by lot; when a Roman sued a Sicilian, a Sicilian jury tried the issue, and *vice versa*; but all members of the governor's staff were peremptorily excluded from the panel. Their municipal constitution was generally left to their own selection; though occasionally, as in the case of Marcellus and the town of Alessa, the praetor was solicited to frame one. These municipal functions, while they had not an independent magistracy, were naturally more burdensome than honourable; but the Italian franchise, embracing immunity from the land and capitation tax, the rights of absolute ownership, an independent jurisdiction, and a free municipal constitution with magistrates of their own election, was gradually bestowed upon the Sicilian towns; and, conjointly with the gift of Roman citizenship, which entailed the right of intermarriage, placed the Italian and Sicilian on a level in the tenure of his

property, his enjoyment of equal laws, his municipal and civic privileges, and all other relations of his social and domestic life.¹ In the reign of Hadrian, we find it matter of dispute, which was the preferable condition, that of the societies which had issued from, or of those which had been received into, the bosom of Rome.²

Very interesting, both in itself and in its ultimate influence on their respective destinies, is the contrast between the Greek, the Carthaginian, and the Roman modes of dealing with their dependencies and colonies. What was the 'cause,' asks Tacitus, 'of the fall of the Lacedaemonians and Athenians, but that, 'powerful as they were in arms, they spurned their subjects 'as aliens?' and the great representative of ancient commerce, so far from endeavouring to incorporate her African subjects with herself by a communion of national interests and institutions, cared not even to impart to them her language; oppressed them by the exaction of half their produce in the shape of tribute; alienated them by a rigid system of mercantile monopoly, which was ruinous to colonial prosperity, and at last, when the Roman allegiance was offered to the reluctant subjects of the African Tyre, recoiled fatally on its authors. At the last struggle, Carthage, bereft of her colonies, who had deserted to the standards of Regulus and Scipio, was hardly more than a single city, while Rome met the torrent of invasion with the native valour of her own sons, 'the cheap defence of nations,' seconded by the firm and compact strength of confederate Italy. Hannibal, victorious on the ensanguined plains of Cannæ, looked down from the craggy steeps of Præneste upon a scene than which none other is more glorious on earth—that of a powerful state at peace and at unity with herself; a city of mailed and impervious strength; for her walls were the arms and the hearts of her citizens; and recoiled from collision with a foe who, at the crisis of her fate, while the altars fumed with suppliant incense, steadfast in her own energies, and self-relying, disdained to recall a single soldier from Sicily, Sardinia, or Spain, to swell the hosts of her defence. The conflict between Carthage and Rome was the conflict between the spirit of avarice and the spirit of ambition; and the meaner and more sordid vice naturally became the prey.

The extension of commerce, following upon the expansion of the Roman empire, afforded ample matter for the development

¹ 'Wheresoever the Roman conquers, he inhabits,' is Seneca's remark. About forty years after the reduction of Asia, 80,000 Romans, the voluntary exiles of interest or pleasure, were massacred in one day by the orders of Mithridates. Their frequent residence abroad must have promoted the extension of their own laws and customs.

² Gell. xvi. 13; apud Gibbon, ch. xii.

of the law of contracts, which is of a comparatively universal character. The Romans were not a mercantile people; indeed, the senate studiously encouraged agriculture in opposition to trade, as the main occupation of the commons; but they neglected no element of national prosperity: and when Carthage had fallen, Rome naturally succeeded to the sources of wealth that had owned her rival's sway, discarding only the petty jealousy and exclusiveness that had cramped and thwarted the energies of Phoenician trade. The gold of Spain, the grain of Libya and of Egypt, the woollen stuffs of Malta, the wine, oil, and wheat of Sardinia and Sicily, and the spices of Ceylon and India, were freely and profitably exchanged, along the shores of the Mediterranean, with the metropolis of the western world. The activity of Pompey cleared the Italian seas of pirates; the Greeks of lower Italy and Campania, now cowering beneath the Roman eagle, had an innate love of trade; and the port of Ostia, buried, under papal domination, in swamps and rubbish, numbered 80,000 inhabitants, and bristled with a forest of masts.

'Other circumstances contributed to furnish materials of law. The power of testamentary disposition of property existed as far back as we know anything of Roman law; and with the increase of wealth arose as many modes and varieties of testamentary disposition as man has whims and caprices. The practice of making substitutions and trusts, of giving legacies under every conceivable condition, and, in short, of making a man's last will, the most difficult thing in the world to understand, gave ample materials for the establishment of a great number of rules as to the interpretation of testaments. Land also was much divided in many parts of Italy, which circumstance, combined with the system of laying out the assigned lands, marking boundaries, the use of irrigation, the enjoyment of common pastures and the like, gave rise to a great mass of law that affected the condition of landowners, and developed a system of rules relating to sales, mortgages, servitudes, water, ways, and boundaries. The love of commercial adventure led men to combine their skill, labour, and capital for a common purpose, and thus the matter was given for establishing the general rules of partnership. The practice of farming the public revenue, which was managed by the publicani, in a kind of joint-stock associations, contributed still further to the establishment of rules of law applicable to such partnerships, and the various gilds, companies and colleges, which existed at Rome, led to the determination of the exact notion of corporate bodies, and to rules of law applicable to these fictitious persons. An examination into the condition of the Roman state, under the later Republic and the earlier empire, will show that there was abundant material for the production and elaboration of a large body of law, applicable to all the purposes of life, and to the condition of every civilized state.'—*Long*, p. 51.

II. The richest materials may of course exist apart from the energy and skill by which alone they can be wrought into a permanent and beneficial code. But the abilities displayed by the Romans in the field were fully equalled by their forensic and administrative talents. With them consolidation was a

more important task than conquest; and the internal welfare of the state at home the indispensable basis of an enduring dominion abroad.

The twelve tables are the earliest authentic remains of an attempt to embody in the form of a regular code the ancient enactments and customary law of Rome. They were mainly the fruits of a revision of the existing laws, in the compilation of which the commissioners were materially aided by a Greek, Hermodorus of Ephesus, whose countrymen had had considerable experience in constitution-making and codification. Greek elements undoubtedly found their way into this early work of legislation; but the only part of it that was strictly new, consisted of the sanctions devised to adjust the political questions in dispute between the two orders of the state, and to contribute to the security of plebeian rights. They are variously extolled by Tacitus and Livy as *the perfection of civil equality*,¹ and *the source of all public and private right*;² and Cicero³ professes to value them above all philosophical works on law, though he acknowledges that in his days they had lost their former place among the elements of education.⁴ Indeed, the rapid growth of the state, the change of idioms and manners, the varied combinations and multiplied exigencies of society, soon antiquated the narrow basis and obscure sense of these early statutes; but their fundamental principles, unrepealed and unforgotten, endured till the age of Justinian, and were received among his compilations. The development of Roman law owed most to the mode of its administration, whereby equity was reconciled at every step with statute justice, and a system originally very rigorous and exclusive gradually enlarged to meet the progressive wants of society. The dispensation of justice, previously vested in the kings, devolved, in the republican period, upon the consuls, praetors, and inferior magistrates; but during the later commonwealth, the praetor of the city was the officer specially entrusted with the charge. The magistrates, however, had no absolute jurisdiction. Their province was to regulate the initial stages of the suit; to reduce it in matters of detail, and in its relation to existing laws, to a clear and intelligible shape; when it was referred for investigation and decision to the *judex*, or juryman, a fellow-citizen of the parties interested, and chosen by themselves.

The ancient method of procedure was naturally rude and simple. The actions at law, couched in verbal formularies, and aided by symbolical acts, were based upon the law of the Twelve Tables; and, unless the facts of a plaintiff's case happened to

¹ Tac. Ann. iii. 27.

² Livy, iii. 34.

³ De Orat. i. 44.

⁴ De Legg. ii. 23.

conspire with the very terms of those laws, his right of action was altogether null. But the old actions were, with some exceptions, gradually repealed; and the prætor was empowered to devise, of his own authority, new rules and orders suitable to the special cases denied a remedy by the ordinary law. When a Roman complained of a wrong, for which the statutes gave him no redress, the prætor allowed him a right of action; gave to the *judex*, whose office was the trial of the facts, a formula or brief of written instructions, detailing the matter in dispute, and embracing the general rules of law applicable to it; and it was thus that the prætor's edict had an early and a very material influence on the development of the law. Thus a new class of actions, styled 'honorary' from the office of the magistrate, was introduced, new actions embraced new rights, and evoked fresh rules of law; which thus flowed in a free and continuous channel, growing deeper and broader, and acquiring fresh volume, in proportion as the requirements of society became more and more urgent, multiform, and intricate. The jurisdiction of the prætor ranged throughout the widest and most diversified provinces of law; unfettered by precedent, uncurbed by statute, it modified, relieved, or controlled all the relations of the civil state; it reconciled the intolerable divorce of statute and equity, reason and law; and justly earned the definition of the jurists, as *the living voice of Civil right*. Was a man's ownership legally defective, solely from the casual omission of certain necessary forms, while he had complied with every other substantial condition? By virtue of this seemingly licentious and unbounded prerogative, the magistrate directed the jury to treat him as the legal owner, in the arbitration of the claim at issue. Did the interests of commerce demand an extension of the rate of usury, beyond the maximum settled by the Twelve Tables? At the discretion of the prætor, interest fluctuated with the value of the security, and the magnitude of the risks involved. Were the claims of justice, and the safety of a contract, hazarded by the loss of a formal stipulation? Equity admitted every rational evidence of a voluntary and deliberate act, without enforcing the production of the legal deed. It was through the edict that emancipated and posthumous children recovered the rights of nature; that the salutary restraints of guardianship ceased not on the statuteable threshold of fourteen years of age; that validity was given to trusts and codicils ignored by the precise rigour of the law; that freedom of inheritance gradually triumphed over family entail; that considerations of time and space, age and dignity, affected the estimate of damages for assault. In short, the genuine relations of equity and law were vindicated and maintained; justice, easy of access, easy of dis-

pensation, ran along its lucid, even course ; and to every equitable claim, beyond the margin of the statutes, the tribunal of the magistrate administered a prompt and effectual relief.

The prætor was an annual magistrate of popular election, who retired, on the resignation of his office, into private life ; distinguished, in the age of Tully, only by wealth, influence, and honours, from the main body of his fellow citizens. His former position shielded him from the prejudices and isolation of hereditary rank : threw him unreservedly open to popular sympathies and wants : rendered him alive to reforms desirable in the laws, and disposed him to appreciate the value of incorporating with legal principles, those usurpations of custom and deflections from traditional usage, which, in all progressive communities, silently emanate from the internal activity of the people. On commencing office, he published a programme, which was called ‘The continuous Edict,’ stating the tenor of the general rules whereby he intended to administer justice during his year of office ; and to the spirit of this proclamation the Cornelian law compelled him to adhere. Incoherency and incertitude must have resulted from this rapid succession of discretionary interpreters of the law ; but a good rule naturally survived the brief span of its author’s magistracy : it became a common practice for the prætors, on their accession to office, to incorporate the decrees of their predecessors ; and what experience had declared conducive to the public good, was established by these indirect means as firmly as by positive legislation. A collection of edicts constituted a separate and independent branch of law, to methodize and comment upon which, was reserved for the laborious sagacity of the Imperial Jurists. The unauthorized compilation of Ofilius, a friend of Julius Caesar, was superseded by the scientific arrangement emphatically styled ‘the Perpetual Edict,’ which immortalized the Prætorship of Salvius Julian ; a work sanctioned by the Senate, at the Emperor Hadrian’s recommendation ; and, though itself the victim of subsequent innovation, regarded at the time as the standard of equitable jurisprudence.

It is curious to trace the parallel circumstances which called for the establishment of an equitable jurisdiction in the Roman and in our own Courts. While the Common Law was in course of formation, it was capable not only of embracing cases within the spirit, though not within the letter of its provisions, but of having the principles of equity applied to it by the Judges in their decisions, according to the exigencies of the case, and the demands of natural justice. But in time, a series of precedents or *responsa*, as they are termed by Bracton, were established by the decisions of the judges, whose authority was almost as binding as the acts of the legislature upon their successors ;

and, although new precedents have still continued to be made, it became difficult to devise them without interfering with those previously created; so that the Common Law attained, in a great measure, the rigidity of a *lex scripta*: and was often inflexible to the requirements of equity and right. In the dispensation of justice, the Romans had found themselves beset by a similar difficulty, owing to 'the scrupulosity and mischievous subtlety of the law' of the twelve tables. For several ages the administration of the *prætor* satisfied every just and reasonable claim; but when Hadrian had reduced the *prætorian* rules to a system of equitable jurisprudence, the new code was attacked and gradually buried beneath the voluminous industry of the Commentators: until, like the Common Law of England, though by a different process, it became a *lex scripta*. Accordingly, a wide latitude of discretion was again assumed by the judges to adapt the provisions of the Perpetual Edict to special exigencies; but Constantine and Valentinian, fearful of the incertitude that might thus arise as to the rights and liabilities of their subjects, curbed this discretionary power by reserving the dispensation of equity to themselves alone in their Council or Consistory. In the reign of Edward III. the English law, both in the breadth and equity of its principles, and in the method of procedure, was vastly inferior to the Roman jurisprudence prior to the days of Hadrian: and, the relief against the rigour of positive law contemplated by the statute of Westminster being only of a temporary nature, reference was habitually made to the royal prerogative for equity: which none but the clerical members of the select council, thoroughly conversant with an organized system of jurisprudence in the Roman law, (then in familiar use in the ecclesiastical courts,) could wield with the requisite nicety and effect. By degrees, however, after the abolition of the office of Grand Justiciary, the exercise of this prerogative, *the distribution*, as it has been termed, *of the king's own conscience*, was permanently delegated to the chancellor, always the most distinguished, and generally the ablest member of the council. 'Ostensibly,' says Spence, 'the discretion of the chancellor, regulated by the principles of equity and conscience, was to be his only guide: he had authority to restrain as well as to redress: no rules or forms of procedure were prescribed;' (p. 710;) his jurisdiction was not suppletory only, but corrective of the common law; the maxim that 'equity followeth the law,' was applied only when the statutes were not against 'the law of God, or the law of reason;' (p. 409;) and relief, as in the Roman Courts, was given against the consequence of accidents: for if an obligee, through casual loss, could not produce his bond, which by a positive rule of law was essential to his redress, he

might still enforce his obligation in Chancery. Judging from the cases to which it was applied, the principle of 'conscience,' akin to the *bona fides* of the Prætorian code, and drawn from the practice of the ecclesiastical courts, before their cognizance of breaches of trust in lay contracts was interrupted, embraced, ultimately, every deviation from good faith, fair dealing, and common honesty. Adopting as their guide, with improvements and modifications, the principles of the Roman jurisprudence, wherever they had not been embodied in the common law, the clerical chancellor succeeded in creating, in spite of the jealous reclamations of the common law judges, a body of equitable precedents, in a great measure founded upon the Prætorian code, governed, when possible, by the rules and maxims of the common law, but 'disregarding those rules where they stood in 'the way of substantial justice, or obstructed the reasonable demands of the people for the free dominion over their property.' (Spence, p. 712.) The substitution of lay for clerical chancellors under Henry VIII. and Elizabeth, and the shallow acquaintance of the former with the civil law, which had been the light of their predecessors, and consequent reliance upon their own understanding for the rule of decision, may have given a shadow of meaning, for the moment, to the sarcasm at equity of their renowned contemporary Selden. 'Nothing, however,' says Spence, 'is recorded as having been delivered judicially 'from the bench which can warrant the supposition that the 'private opinion or conscience of the Judge, or what is perhaps 'equivalent, his whim or caprice, independent of principle or 'precedent, was a legitimate ground of decision.' Such, indeed, was their respect for their predecessors' rules, that the influence of precedents—precedents drawn from the actual decisions of British Chancellors, not merely from the Roman law—was considerably stronger beneath the lay than the clerical Chancellors; indeed, we find instances of a chancellor refusing a remedy because no precedent existed which applied exactly to the case. So that Sir W. Blackstone could even argue against the power of the Court to abate the rigour of the common law, because it had not done so in certain instances. The declaration, however, of Lord Hardwicke, that, 'when the Court finds the rules of 'law right, it will follow them; but then it will likewise go 'beyond' (Spence, p. 419): and the modern chancery doctrines on the separate property of married women, conceived in direct contravention of the common law, amply refute this inadequate conception of the powers constitutionally vested in the Court. But the powerful and beneficial influence which the doctrines and practice of the Court of Chancery exercised upon the common law, into which equitable principles were by this means

largely infused, tended more than any other cause to curtail the once wide and indeterminate jurisdiction of the chancellor to a certain settled system, defined by the special branches of a remedial, a protective, a preventive, and an auxiliary jurisprudence.¹ But we must resume our subject.

The relation in which Rome found herself, in the middle of the third century before Christ, to the states of Italy, and to foreign nations in various stages of subjection or alliance, called for the establishment of a second *Prætor*, charged to administer justice in disputes between foreigners, and between foreigners and Roman citizens. The Italians who visited Rome, previous to the full political union, enjoyed the Roman citizenship in various degrees and with numerous restrictions. None but a Roman citizen could originally be subject to Roman law. But increased commercial intercourse tended to assimilate rules of law relating to mercantile dealings and contracts: the peculiarities of the Roman law were gradually softened down: bare delivery, for instance, was substituted for the cumbrous ceremonies formerly essential to a legal transfer; while the rules of land, more closely interwoven with the political system, were less capable of fusion, and were communicated, as we have shown above, to the Italians when they received the franchise. An ample field for the study of comparative jurisprudence, and for the evolution of more general rules, lay open to the Romans in the observation of those universal principles which were recognised alike by their own and by foreign codes; and in the opportunities which their practical acquaintance with the laws of aliens gave them of embodying in the edict, or in the unwritten law of custom (*Mores*), rules of tested utility derived from foreign sources. Those more universal notions, founded upon what the common understanding of mankind has declared

¹ Mr. Forsyth's (p. 70) contrast of the Roman and English Equity Systems, seems to us very superficial. He regards the former as utterly indeterminate, fluctuating at discretion, according to the rules of natural justice: the latter as bound by precedent and authority in the same degree as the common law courts. The truth is, that each, in its infancy, had very considerable latitude; but later, when the equitable portion of the law had grown into an elaborate and scientific system, precedents exerted a just and natural influence. The real contrast is this: that at Rome equity and law were administered by the same judge, with us before totally distinct courts and judges. One important consequence of this was, that the Roman jury were perpetually embarrassed by the alternative of equity and statute law, the suitors addressing themselves to either, as their interests prompted, without any certainty as to the principles of the Court's decision, and, consequently, with a very vague sense of their own legal rights and liabilities. This is very significantly illustrated from cases within his own experience by Tully, from whom it also appears, that boys were taught at school to defend the equitable and the statuteable claims of the same cause: 'In hoc genere pueri apud magistros exercentur omnes, cum in ejusmodi causis alias scriptum, alias equitatem defendere docentur.' However, we must not forget that this uncertainty may have operated as a check upon litigation. (De Oratore, i. 57.)

to be just, expedient, and equitable, thus acquired a positive character, and became a distinct and influential branch of the Roman law, under the title of *Jus Gentium*, the law of nations: or national right: a term denoting the attainment of a more extended basis of induction, by a more comprehensive knowledge of alien institutions.

The enactments of the public assemblies, and the decrees of the Senate, are justly enumerated by Caius among the elements of the Roman law. The legislative functions of the Senate,—a body altogether exclusive in its origin, but resembling, in its later organization, our own happily constituted aristocracy, in that it was continually deriving fresh pith and vigour by the enrolment of distinguished officers of state, and of the more illustrious of the knights, the chief nursery of the order,—were in some respects independent, in others coordinate with those of the assemblies. In the elections of public officers, and in the conduct of capital trials, the votes of the people in their centuriaries were absolute and final: and the Hortensian law gave to all resolutions of the Commons in their tribes the force of law, but declarations of war, treaties and conclusions of peace, when decreed by the Senate, were merely proposed to the people for confirmation; and the more executive and manageable constitution of the former, rather than any formal charter, enabled it to draw within its sphere of legislation the supremacy in all matters of religion, financial economy, provisional government, foreign relations, and internal police. But the functions of the Senate were quite as much administrative as legislative. The Consul consulted the house on the despatch of affairs, without the medium of a Cabinet Council; but their decrees were not, like our acts of Parliament, indispensable to the progress or reform of law. The requisite changes in judicial procedure were, as we have seen, mainly the work of the magistrate: while the Comitia were commonly convened for the discussion of political questions of a wider and more universal interest than those of codification and jurisprudence.

But positive enactments, edictal law, and established usage, did not constitute the whole, nor even the most valuable portion, of the *Corpus Juris*. The Roman jurists who, under the Cæsars, enjoyed the rank of authorized expounders of the law, when it had outgrown the capacity of all save men professionally devoted to it, illustrated and reduced it into shape in those voluminous commentaries, excerpts from which compose the Digest of Justinian. But before we intrude further upon these legal luminaries of the empire, we must glance back at the origin of advocacy, and see how the lawyers lived and studied in the old republican days.

The knowledge of the technicalities with which the ancient law was cramped and fettered, was, during several ages, for very sufficient reasons, restricted to the patrician order. It was a primary obligation of the patron to his client, ‘to appear for him in court, to expound to him the law, civil and pontifical’: ¹ and when the plebeian suitor was interested in the construction of an edict, or anxious to ascertain his rights of action, he referred his perplexities to the powerful and educated patrician. With the spread of conquest and civilization, the wants of society, the matter of jurisprudence, and the consequence of its professors, grew: clients flocked to the consultation of an accomplished jurist: the powers of oratory, seconded by legal knowledge, swayed equally the courts, the senate, and the Comitia: and Horace could address his friend, (rare salutation in our own days!)

Insigne moestis praesidium reis,
Et consulenti, Pollio, curiae!

As a source of social influence, and a ladder of political power, eloquence in the rostra scarce yielded to the triumphal pomp; but the most distinguished and successful pleaders in criminal and civil trials were not necessarily profound lawyers: and in cases of difficulty, the opinions of chamber counsel were consulted—an expedient which even Cicero resorted to in preparing his defence of Silius. The constitution of the courts, as we shall see below, unhappily conspired to encourage appeals to the passions, irrelevant and *ad captandum* arguments; and in Tully’s most elaborate treatise the sum of the discussion is, whether a pleader may prudently limit his stock-in-trade to the faculty of speaking: whether, in short, he should know everything or nothing. We can hardly realize the broad line which distinguished the professional requirements of the advocate from those of the jurisconsult. What would be thought in England of a lawyer who should undertake the conduct of a cause, yet sacrifice his client’s interests through his ignorance of an elementary rule: such as the nonsuit which awaited the plaintiff who had exaggerated his claim? Yet failures such as this were not uncommon in the days of Cicero. The petty technicalities of civil procedure, and the draught of legal instruments, had been confided to men who held a subordinate position, very similar to that of our attorneys, and had no direct conduct of a case before a Court. But, in Tully’s time, the law was beginning to attain the proportions of a science: from the practical knowledge of which suffrages and honours flowed. Men of rank devoted themselves to the study: and a long line of

¹ Niebuhr, Lectures on Roman History.

illustrious jurists, during three centuries, expanded and purified the Roman code; a line inaugurated by the name of L. Mucius Scævola, the Chief Pontiff, the first Roman to attempt a systematic arrangement of the law, and Servius Sulpicius,

'The Roman friend of Rome's least mortal mind,'

who, stung with Scævola's reproof that it was disgraceful to an advocate to be ignorant of law, applied himself to legal lore with such ardour, that in the judgment of his contemporaries, he surpassed even Mucius himself. Horace paints, with something of a melancholy touch, the life of the republican jurist:

'Roma dulce diu fuit et solemne reclusa
Mane domo vigilare: clienti promere jura.'

Their houses were styled 'the oracles of the state';¹ youthful candidates for the honours of the rostra gathered at early dawn in the atrium, listening to the advice delivered to the clients: while the sages conversed with their fellow-citizens on their rights and liabilities, or were to be seen pacing up and down the Forum, in the peripatetic style, as the Scotch advocates do in the Parliament House of Edinburgh during term time. But, under the Cæsars, the study of the law assumed a more professional aspect: two schools, those of Ateius Capito and Antistius, representing severally distinct theories of jurisprudence, marked the importance, and divided the empire, of the legal world: the receipt of fees, hitherto exceptional, was sanctioned by etiquette and reason: elaborate written opinions were authenticated by the signature of the writer: and the jurists or chamber-counsel were broadly distinguished from the practitioners as writers or respondents. A privileged corps were empowered by Augustus to frame conclusive decisions on points submitted to them; high in rank and consideration, the associates and often the friends of the Emperors, they were at once interpreters of the law, counsellors in legislation, and authors or compilers of legal treatises: commentaries on the XII. Tables, the Prætorian Edicts, the labours of prior jurists, and the decrees of the Senate: institutional works, manuals, collections of cases and opinions, and Digests. Their style was distinguished by conciseness and lucidity, and a plain and popular diction, unobscured by affectation of technical terms: their end was practical: and their chief merit the acute and logical application of legal principles to cases, the amendment of error, and the chastisement of exuberance, rather than skill in definition, or the reduction of the whole matter of law to a rigidly scientific form. So overwhelming was the mass of juristical writers in

¹ Cic. de Orat. i. 45.

the sixth century, when Justinian ascended the throne, that the reform of the Roman jurisprudence had become an arduous and indispensable task. No fortune could purchase, and no intellect digest, the voluminous parchments that enshrined the infinite variety of laws and legal opinions. The Sovereign himself zealously embarked in the useful toil, but, fearful of establishing his private judgment as the standard of equity, he sought not to create an original system of law, to ‘cast a statue in a pure and simple mould,’¹ but to construct a coherent and durable mosaic from the materials that ages had accumulated. He issued a commission, charged with a revision of his predecessor’s ordinances, at the head of which was the learned Tribonian, the ablest lawyer of his day, the prototype of our Bacon in the versatility of his intellect, in the depth of his legal lore, and, if we may believe his contemporaries, in the moral turpitude of his life. The offspring of their labours was a code in twelve books, perhaps a designed imitation of the Decemviral tablets, inscribed with the name and confirmed by the signature of Justinian; transcripts of which were diffused over the European, the Asiatic, and the African provinces, and solemnly proclaimed at the doors of Churches. A more arduous task devolved upon a similar commission, authorized by the Emperor to elicit the spirit of jurisprudence from the myriad commentaries of the principal jurists. Invested with absolute discretion over the fame and toils of their predecessors: regulating their choice, not by antiquarian predilections, but with a view to immediate and practical use, they condemned to a necessary oblivion the hoary wisdom of the republic, and most of the civilians of the earlier Cæsars. Three years was the span of their operations, and the Pandects, the Code, and the Institutes, an elementary work, together with the Novels, a subsequent addition of the Emperor, were legalized as the genuine system of civil jurisprudence, were alone allowed before the Courts, were taught in the Schools of Rome, Berytus, and Constantinople, and constitute the whole of the Roman law received in modern Europe.

III. We have floated down the current of time from the infancy to the decline of the Roman State: we have seen, in the vast diffusion of the empire, unexampled materials for the structure of a broad and comprehensive jurisprudence: and we have traced the gradual formation of a body of law, which for the highest qualities of a code has never yet been rivalled, through the sound sense and peculiar genius of the people. We have now to reascend to the source, and, as we follow once more the curves of the descending stream, endeavour faithfully to reflect the illus-

¹ Gibbon, vol. viii. p. 36.

tration thrown upon the lives and policy of the old Romans by the surviving monuments of their laws. Nothing, indeed, is further from our purpose than to register, with unrelenting detail, a dull chronicle of senatorial decrees and magisterial edicts; to shadow forth, in hungry outline, a skeleton of laws, stripped of its nerves and sinews, the manners and sentiments of the race: we wish to seize and pourtray the grander and more commanding features of the classical landscape, not to construct, with tedious honesty of delineation, a map of the localities of the country. Following, in general, for convenience of order, the method of the Institutes, we will first survey the most important and expressive of personal relations, those of husband and wife, father and son, master and slave. The second division, that of things, will open a fair field for a contrast of the ancient and modern notions of property, and for a review of the peculiarity, interwoven with their political system, of the Roman laws of inheritance and succession: while the third section, that of contracts and obligations, is of more interest to the lawyer, from the universality of its principles, and their general reception among the codes of modern Europe, than congenial to our present purpose, save in the important branch which treats of civil injuries, or private wrongs, and connects itself with the whole province of criminal jurisprudence, confessedly the most defective element of the Roman system.

Among the massive and colossal pillars of national virtue upon which reposed the greatness and stability of the Roman power and constitution, a foremost rank belongs to the ascendancy of domestic over social ties and affections, the estimate of female character and dignity, and the comparative purity of their domestic life. To our own countrymen, with whom Christian reason and experience have made instinctive the sentiment of female homage, over whose minds the departed reign of chivalry still casts its shadows, this may seem no extraordinary praise. But the contrast of Greece, and the remembrance of the manifold mischiefs that flowed upon her from her constrained subordination of the discipline of home to the tyrannical all-absorbing notion of the State: from the systematic depreciation of the feminine character, which, though under different forms, degraded equally the citadels of the Ionian and the Doric race, force us to honour the chivalrous and manly sense that disdained to see in weakness the toy of pleasure, or the victim of oppression: that kindled the fire of patriotism at the altar of family affection: that bade the virtues of the citizen, the senator, and the general, spring silently and surely from their native source, the virtues of the son, the father, and the husband. It is impossible to resist the historical conclusion

that the true elements of national stability are to be sought for, next to the practical sense of religion, in social and domestic purity, nor can any language or definition convey an adequate idea of the depth and intensity of that moral power which female influence exerts over the character and the happiness of mankind. ‘All things,’ says the Wise of old, ‘are double one against another:’ the whole empire of nature—all the relations of humanity—are ruled by a soft antagonism, the source of universal harmony: the one-sidedness of nationality is, perhaps, the providential bond of the common sympathies and inter-dependency of the human race, just as the partialities of the soil are among the natural incentives to international communication; and the masculine and feminine mind are varied by distinctive types, destined to act and react by reciprocity, and these opposite traits are so mutually attempered, that the perfection of the one sex is the destined condition of the perfection of the other. How little the statesmen and lawgivers of Greece were disposed to relish this idea, is a matter too notorious to dwell on here. Such, indeed, was the bias of Hellenic views on one of the least prejudiced minds of antiquity, that his experience of the social poisons with which feminine degradation had tainted his country, could only draw from Aristotle the partial confession, that ‘bad institutions concerning women robbed men of *almost half their happiness!*¹

A semi-barbarous age is always unfavourable to feminine dignity and influence; in the rough struggle for existence and security, physical strength, courage, and endurance, the faculties of the ruder sex, are mainly prized. And among the earlier records of Roman legislation are found vestiges of a spirit, seemingly inconsonant with the high national estimate of female virtue. The lofty notion of the husband’s authority, and the lower conception of his consort, is expressed in the phraseology of the marriage contract, which regards the woman as a *thing*, that might be bought by actual purchase, or acquired, like other movable property, by the use and possession of an entire year. Her entrance into her husband’s family totally sacrificed her legal personality: a fiction of the law represented her as the sister of her children, and the daughter of her spouse, who thereby gained an absolute control over all her property, both inherited and acquired, together with the plenitude of paternal power, and the awful issues of life and death. The harshness of this feature of the early conjugal relation is but slightly softened by the share of the family tribunal in this domestic jurisdiction, save when the fair one was discovered in adultery,

¹ “Ουσις τὰ κατὰ γυναικας φαῦλα, σχεδὸν τὸ ημίσυ οὐκ εὑδαιμονοῦσιν.—Rhet. i.

and in the chance that the vindictive jealousy of the husband might be foiled by the opposition of his kindred. Nor is the picture improved by the ancient restriction, popularly referred to Romulus, which limited the capacity of divorce to the tyrant sex: and the late¹ æra of the first recorded separation is fallaciously paraded by ancient authorities as a proof of early Roman virtue, though, says Gibbon,² it ‘evinces the unequal terms of ‘a connexion, in which the slave was unable to renounce her ‘tyrant, and the tyrant was unwilling to relinquish his slave.’

The tenor of these regulations may seem to verge upon the Athenian view of marriage as a necessary evil, and of the wife as a mere creature of the husband’s will. But laws, themselves creations of national sentiment, must be considered in relation to the phases of social life with which they are coeval: the history and character of their changes and transitions, in consilience with the progress of refinement, must be carefully kept in sight; and an indispensable key to their interpretation will be found, not in their delusive aspect as isolated scraps of legislation, but in the manners, the acts, the literature, and the language of their framers.

Forms of government may bear a close external resemblance, and yet enclose wide discrepancies of national character and freedom. Nor can a partial similarity in the female institutions of semibarbarous Rome and civilized Athens, justify the inference of a virtual affinity in their social tone, or in the essence of their moral and mental constitution. The inequality of the conjugal relation in early times finds a ready explanation in the disciplinarian spirit, and the peculiar political principles of the Romans. ‘In the whole of their system,’ observes Professor Sewell, ‘a system similar if not the same as that of our Saxon ancestors, there appears a remarkable repugnance to purely numerical combinations. They enclosed the various forms of society one within another. They resolved the whole body of the nation into a chain of many links, mutually connected together by a progressive responsibility and dependence, and contrived that the supreme power should rarely come directly in contact with the individual, but propagate its delegated authority through numerous successive branches of subordinate jurisdictions. Of these jurisdictions the paternal was the lowest and the last, as the domestic form of union was the minutest element recognised in the composition of the State. And to give it the required energy and efficacy, an almost unlimited authority was entrusted to its hands.’ Thus alone can we account for the remarkable defects of their criminal

¹ Sp. Carvilius Ruga, B.C. 234.

² Vol. viii. p. 61.

jurisprudence. For many offences the tribunal was chiefly a domestic one. They wisely looked to the discipline of home as the nursery of civil virtues; and the obedience of the children to the father, softened by natural affection, inspired a moral allegiance into the obedience of the citizen to the State. Alike in civil functions, and in religious rites, they consecrated the name of parent: and the important office entrusted to the father, as the image of the authority of the State: the necessity of unity in power, and of subordination in system: together with the comparative weakness of the female sex, may, in the rude and turbulent infancy of Rome, have contributed to depress the dignity of the wife. But, although in the eye of the law she stood to her husband in the same relation as her family, she appears even in the dawn of the monarchy widely distinguished from the Athenian consort, as the mistress of the household economy, the source of her children's education, the guardian of the honour of her hearth, at least equal in social esteem to her husband, both at home and abroad. Many honourable privileges were conferred upon the ladies, even in the days of Romulus: men uniformly gave them the wall¹ when they met them in the street; they arrested the efforts of the Sabines for their rescue by declaring their happiness in their Roman homes; and the founder of the mistress of the world exalted the sanctity of marriage by limiting divorce to the commission of crimes that would have rendered the continuance of the nuptial bond absurd and intolerable. The absorption of the wife's property in the husband's rights is only another feature of that rapidly antiquated asperity of the law which we have ventured to palliate above; but, while the sustenance of the Athenian sister was charitably left to the discretion of her brothers, the daughter had an equal share in inheritance with the sons; and her inability to alienate possessions during lifetime, or to bequeath them without her father's consent, was a restriction founded upon the high political expediency of preserving the hereditary dignity of the family, by hindering the transfer of its fortunes through the marriage of an heiress.

But with the termination of the Punic wars, the tide of Roman affluence and liberty poured in: luxury began to sap the austerity of the age of the Decii; and the refinements of peace, and the indulgence of fathers and lovers, yielded to the fascinations of the sex. One by one the legal fetters of the past fell from around them: they defeated the annual prescription by an absence of three days; they declined the solemnities and averted the thraldom of the ancient nuptials; and adopted

¹ Plut. Rom. 20.

² Plut. Rom. 22.

a form of foreign introduction,¹ the sole essentials of which were equality of position and citizenship, entailing nothing save the duty of conjugal faith so long as the alliance was cherished by mutual consent. They secured the right, while they communicated the use, of their private fortunes: their husbands could not dispose of their movable property; but the first of the Cæsars interdicted the alienation of the land without the wife's consent, exempting it from mortgage independently of this condition; and the jealousy of the laws resented the amiable evasion of conjugal gifts, through which, in defiance of the statutes, the dower might have centered in the husband. Public esteem for the sanctity of marriage had curbed the capricious luxury of divorce; and the arbitration of a family council and the just indignation of the Censor, balanced the grounds and punished the abuse. The criminality² of the fair was the legal and reasonable pretext for the violation of the sacred tie. The name of Carvilius Ruga,³ who divorced his spouse for sterility, while he selfishly retained her dower, was branded with lasting disrepute; and L. Antonius was expelled by a Censorial decree from the Senate, for neglect of the family tribunal in the repudiation of his consort. The ladies, however, were at last in a position to return the compliment; the rigid solemnities of the ancient nuptials had been replaced by a less binding ceremonial: mutual consent could annul what mutual consent had established; and pecuniary retribution was impartially determined by the respective criminality of the separating pair.

The circumstances of the enactment and abrogation of the Oppian Law⁴ throw considerable light upon the social position of the Roman dames in the most virtuous age of the Republic. The formidable progress of the Carthaginian arms in Italy called upon every class to curtail its superfluities. Sumptuary laws curbed the extravagance of wealth or fancy; and the

¹ The marriage *sine conventione (in manus)*. See Becker's Gallus, pp. 168, 169.

² Intoxication, and even the abstraction of her husband's keys, for the purpose, we presume, of trespassing on the forbidden precincts of the wine-cellar, was among the grounds which, in early times, justified divorce. 'Egnatius Mecenius,' says Pliny, 'slaughtered his consort with a club, with the sanction of Romulus, for imbibing the luscious fluid from a wine-vat.' 'Another matron,' saith the veracious Fabius Pictor, 'unluckily surprised in the act of opening the coffer wherein the cellar keys reposed, was starved to death by the charitable indignation of her friends.' The grave judge, Cn. Domitius, in a case referred to him, solemnly pronounced: 'Mulierem videri plus bibisse quam valitudinis causa, viro insciente;' and thereupon mulcted her of her dower. But Cato believes the custom of kissing the soft sex actually originated in their kindred's anxiety to discover, by this infallible test, whether their lips had any flavour of wine! 'An temetum olent.' —Plin. Nat. Hist. xiv. 13; and A. Gell. x. 23. (Becker's Gallus.)

³ We adopt Becker's hypothesis; but the case is somewhat obscure. See his Gallus, pp. 172, 173.

⁴ Livy, xxxiv. 1—8.

Roman fair were debarred, by a temporary edict, from the luxury of embroidered robes, and carriages within the walls of the city, or short distances therefrom. The very prohibition implies a large amount of personal freedom, and a total absence of the suspicious jealousy that caged the unhappy Athenians within the walls of their nurseries, apart from the fresh air of social life and liberty. The ladies thronged the streets, actively canvassing the voters, when the law was brought forward for repeal, while the inflexible Cato opposed it with a Spartan Toryism that gives an amusing picture of the ‘*laudator temporis acti se puerō*,’ of the day. He is much incensed with their public demonstration: female politicians are his aversion. ‘ You have no business,’ he says, ‘ even to think of politics or legislation. Our ancestors forbade women to transact the lightest matter without an overseer: and now you are to handle ‘Government!’’ He is much alarmed at the development, and at the prospects of feminine ambition; prophesying, with much accuracy, that when they are equal, they may even become superior to men! The bill was, it seems, abrogated by all the tribes, moved by the appeal of Valerius, who reminded them with irresistible force of the many services rendered unto Rome by the courage and virtue of the sex: how they quenched the ire of the triumphant Sabines, and arrested the revenge of the incensed Camillus; how they resigned their gold to ransom the city from the Gauls, and lavished their treasures on their country to shield her from the sword of Hannibal.

And a similar appeal we may confidently make to the indelible records of national history, literature, sentiments, and manners. The Roman veneration for the name of woman—a veneration not indeed so fervent and impassioned as that of chivalry, but akin to the manly and dignified homage that graced the Homeric age of Greece—gained warmth and intensity from the national taste, so wisely cherished by the Senate, for agricultural employments and rural life. Amid the scenes of nature, nature vindicates herself; domestic love, her genial and fairest fruit, blooms unchilled: and the great poet of the Augustan age, anxious to recall his degenerate Romans from the busy and ambitious tumult of the city, after colouring his vivid picture of the delights of husbandry with all the fascinations of rural scenery, the charms of natural history, and traditional legends, crowns it with the image of domestic bliss and virtue—

‘ Interea dulces pendent circum oscula nati:
Casta pudicitiam servat domus.’

And the rival portraiture of Horace¹ paints the rustic consort

¹ Epod. ii.

as the partner and soother of her husband's cares, and the source of her children's education. From the endearments of home, not from the excitements of a tyrannical ambition, the springs of their patriotism flowed. Nicias reminds his soldiers of the great name of Athens; but the generals who live and speak in Livy's 'pictured page,' appeal to the Roman hearths and altars, and the fond memories of wives and children. Regulus tore himself from his family's embrace, as a captive unworthy of them.¹ Socrates rudely repelled his wife, as his last hour was drawing nigh, as unworthy to taste with him the consolatory hopes of immortality. In the illustrious train of Roman matrons,—

‘Clarum ac venerabile nomen,
Gentibus, ac nostræ multum quod profuit urbi,’

we read the grateful recognition of their virtues, and the enduring monuments of their influence. Cornelia, the mother of the Gracchi, who refused to share the throne of Ptolemy, at whose wish her son, in the hour of triumph, dropped the prosecution of a political foe, was honoured with a statue by her country's homage. The heroism of Clœlia lives in the Mantuan's immortal lay. The Licinian laws, the charter of the Commons' rights, sprung from the sting of a woman's pride. The chaste revenge of Lucretia hurled the Tarquins from the throne. At 'the inexpiable wrong, the unutterable shame,' with which patrician lust threatened a plebeian maid, camp and city rose as one man, and pulled down the haughtiest tyranny republican Rome had seen: a woman's wrong was again the source of an earthquake in the state.

Nor did they move unhonoured among the refined circles of aristocracy, and the cares and intrigues of public life. Disenthralled from the odious restraints of Greek espionage and seclusion, they shared with their husbands the pleasures of society. The Roman² enjoyed the diversions of the theatres

‘Cum prole matronisque :’

and in illustrations of ancient entertainments, we see ladies and gentlemen, as in our own days, ranged side by side around the festive board. 'What Roman,' asks Cornelius, with honest pride, 'is ashamed to bring his wife with him to a party? ' What matron holds not the first place in the establishment, 'and is ready to receive every guest?' The letters of Tully to Terentia, during his exile, equal any modern correspondence

¹ Fertur pudicæ conjugis osculum
Parvosque natos, ut capitis minor,
Ab se removisse.

² Suet. Oct. 'Ipse spectabat cum conjugé ac liberis sedens.'

in confidence and love ; and his grief for the loss of his daughter Tullia was deep and lasting, and elicited from his friend Sulpicius a memorable letter of sympathy and condolence, among the most honourable relics of his fame.

But æras of civilization have ever, in the ancient world, been æras of decay. The Romans had not the antidote, which Christianity alone can give, to the poisons of conquest and exorbitant wealth. Following in the train of almost ceaseless military triumphs, satellite of victory, and vanquisher of the victors, a vicious, sudden, and extravagant, not a gradual and refined luxury,—overflowed like a torrent all the barriers of custom, all the sanctions of opinion, and all the obligations of religion. The gold that unnerved the energies and sapped the virtues of Carthage, Venice and Alexandria, flowed slowly and surely through the portals of commerce ; but the gold that effeminated the stern and imperious Roman was the sudden influx of almost universal tribute ; and the draught, because strange, was the more intoxicating. So rapid was the change that it was plausibly alleged, in explanation of their singular inaptitude for comedy, that before the Punic wars, the Romans were too good, after the fall of Carthage, too vicious, to be subjects for the comic muse. The Roman matrons had not long, by the repeal of the ancient statutes, become the equal companions of their lords : mutual consent and apparent community of life had not long been the recognised essentials of marriage, when the sanctity of the ‘nuptial bond degenerated,’ says Gibbon, ‘into a transient society of profit or of pleasure. Passion, interest, or caprice, suggested daily motives for its dissolution ; a word, ‘a sign, a message, a letter, the mandate of a freedman declared ‘the separation.’’ Sulpicius Gallus dismissed his consort because he had seen her abroad without a bonnet ; Antistius, because he had discovered his better-half gossiping in the street with a freedwoman ; Sempronius Sophus, because his partner had ventured to witness the games without his knowledge ; Sylla, Caesar, Pompey, and Mark Antony, licensed by their example the prevailing vice ; and even Cicero allowed a younger woman to supplant Terentia. Nor were the ladies slow to profit by the mischievous licence of the law. Paulla Valeria, waiting for her husband’s return to serve him with a notice of a divorce, waived the idle ceremony of a reason. Juvenal’s matron had yielded in five years to the embraces of eight husbands. In Seneca’s days the succession of nuptials was more rapid than of Consuls ; but the ten husbands in a month of the poet Martial, is justly condemned as an extravagant hyperbole.¹

¹ Gibbon.

Celibacy, in early times held censurable and subject to a fine, became the fashion,—a proof that the men were least favoured in the conjugal chances of the day; and the laws of Augustus, declaring it penal, were met by the enervated Senate with a determined repugnance, which the most ferocious sallies of despotism would hardly have evoked. So general was the sentiment of aversion to the fatal tie, that Cæcilius¹ Metellus, exhorting his countrymen, as Censor, to the patronage of matrimony, ventured on no softer persuasions than the alternative of a cruel and inflexible dilemma:—‘ If we could live without a wife, we ‘ would all dispense with that nuisance; but since it is the will ‘ of Nature that we can neither live comfortably with them, nor ‘ at all without them, let us regard our preservation rather ‘ than transient pleasure.’ In the last degeneracy of manners, beneath the Flavian sceptre, wedlock had become so nervous and critical an affair, that its perpetration was held tantamount to insanity:—

‘ Certe sanus eras? Uxorem, Postume, ducis!
Dic, quā Tisiphone, quibus exagitare colubris?’

A richly dowered wife might be a great tyrant, even in the days of Horace:—

‘ Nec dotata regit virum
Conjux,’

but the later satirist held nothing more intolerable:—

‘ Intolerabilius nihil est quam femina dives.’—JUV.

The happy bachelors who trembled at the name of matrimony, sought a harbour of refuge in the alliance of a concubine,—a compromise sanctioned by opinion and law; just as the Church of Rome, when she had enacted the celibacy, licensed the concubinage of the clergy! But the adoption of a mistress by a married man was held, in the better days of Rome, criminal and infamous; a verdict very alien from the shameless Athenian avowal made by a reputable speaker in an open court of justice:—Τὰς μὲν ἑταίρας ἡδονῆς ἐνεκ’ ἔχομεν, τὰς δὲ γυναικας τοῦ παιδοποεῖσθαι γνησίως, καὶ τῶν ἐνδον φύλακα πιστήν ἔχειν.—Demosth. *v. Néaurav.*

In the Censorial authority the wisdom of antiquity had enshrined, not a judicial decree, but the sanction of a sound public opinion: an opinion elevated, dignified, and refined by personal worth and influence; a sort of substitute for the Church, necessitated by the comparatively slight connexion of ancient morality with religion. But public opinion, it has been justly said, though above common practice, never very far transcends

¹ Sueton. Oct. 89.

it; in the long run it is sure to be sympathetically affected by it, and to share in its degeneracy. With the decline of public morality, the brand of the Censor lost its sting: and the laxity of divorce, which it had hitherto auspiciously controlled, was attempted to be curbed by the insufficient remedies of petty statutemongers. The Julian law declared the presence of seven witnesses of full age requisite to the validity of a separation; provocation on the husband's part wrenched the dower from his reluctant grasp earlier than it was otherwise returnable; but if he could impeach the chastity or the temper of his spouse, he might retain a sixth or an eighth of her marriage portion. With the recognition of Christianity by the empire commenced a new era of legislation; but the fluctuating practice of Constantine's successors attests the difficulty of those passages whose interpretation still puzzles theologians, canonists, and lawyers. Our own canon law, and the Church of Rome (as is well known,) relying mainly on the authority of S. Augustine, deny the indulgence of a second marriage, even to the injured party, during the life-time of the offender; but the jurisprudence of the Christian empire released the innocent from the bonds of marriage, while it disabled the guilty, during life, or a term of years, from a repetition of the broken tie. The just causes of divorce were at last assigned: and severe fines, transportation to an island, or imprisonment in a monastery, avenged a transgression of the legal bounds. But the catalogue of mortal sins was successively curtailed or enlarged, and, after long fluctuation between the custom of the empire, and the wishes of the Church, the successor of Justinian, amid unanimous civilians, divided theologians, and importunate subjects, restored the liberty of divorce by mutual consent. In early times, the law had invested the husband who discovered his wife in adultery with plenary powers of vengeance; but what can more emphatically declare the national degradation, at the dawn of the empire, and the impotence of *legislation* to repair the decay of morals, than the fact, that the Julian statutes found it necessary to brand with *legal* infamy that common crime, so literally illustrated by Horace, the shameless connivance at a wife's dis-honour?—

‘Sed jussa coram non sine conscientia
Surgit marito.’

Society had failed to reprobate it! We are tempted to exclaim with the indignant poet:—

‘Quid leges sine moribus?’

Subsequent enactments sharpened, indeed, the edge of the law, but failed to repress the growing vice. The faithless spouse,

mulated of half her dower, and a third of her property, was condemned to execrate her existence on the inhospitable shores of some miserable island. But the waves flowed between her and her paramour, who, sheared of half his fortune, was abandoned on an equally attractive spot to penitence or despair. Civil and domestic injury was the measure of the law's revenge: and the husband's infidelity, equally censured by religion, could not be resented by the wife through a public accusation. But a temporary confusion of the distinct lines of theology, ethics, and jurisprudence, marked the ascendancy of Christianity over the ordinary principles of human justice, on its first recognition by the empire. Crimes were weighed by the absolute standard of moral or religious turpitude; the Mosaic code was in many particulars received as the model of jurisprudence; adultery was avenged by death; and licentious love, hitherto little heeded by the state, rewarded with the sentence of the parricide, the assassin, or the poisoner. But Justinian, though he seems to have copied the rigour of Constantine against the author of the crime, was content with whipping the adulteress, and immuring her within a convent's cell. Her husband's compassion might, within a space of two years, relieve her from imprisonment; but if his rage was unappeased, she assumed the habit, a votary for the residue of her life, of solitude and penance.

The filial connexion is the next to claim our notice; and we rejoice in the opportunity to breathe again 'the fresh and invigorating air of the republic,' in place of the pestilential atmosphere that haunts the dregs of Romulus. Justly do the Institutes challenge us to search the codes of all nations for a parallel to the parental subjection of the Roman family; for the law allowed to the father an absolute despotism which renders very equivocal the assertion by certain sages¹ of the wide distinction between the paternal authority, and the legal possession of movables, cattle, or slaves. This peculiar jurisprudence,² coeval, it is said, with the foundation of the city, was confirmed by the Decemvirs, and inscribed on the fourth tablet of their code; the public rights of the son alone were left inviolate; he could vote in his tribe, enjoy the highest dignities of civil office or military command, or fulfil the duties of a guardian; but in other respects, to all intents and purposes, he was a mere *thing*. The earliest and the latest acquisition of his toil or fortune was instantly merged in the property of his father; avarice or poverty might expose the children in the market together with

¹ Becker's *Gallus*.

² It is curious that the principles of filial respect and parental authority are still carried out to a more than ordinary extent in the families of the modern Roman nobility.

the slaves; had his offspring or his oxen perpetrated a trespass, he had the alternative of compensating the damage, or relinquishing the noxious animal. A simple transfer enfranchised the slave; but it required a triple sale to emancipate the son from the thraldom of domestic servitude. It is obvious to add, that the emancipated son, having lost his relationship to his father, could no longer inherit from him; and that, having by the transaction of the sale passed into a state of slavery, he incurred a legal degradation, entailing certain peculiar disqualifications during the remainder of his life. The claims of adoption were as rigorous as those of nature; his grandchildren, while he lived, were as completely in his power as his own offspring; and the pains of imprisonment, exile, stripes, and even death, he might legally inflict upon them. But, before we hastily condemn the spirit of this institution, we may well recur to certain palliative and explanatory traits, which we partly alleged above, when concerned to show how imperfectly the harshness of the early conjugal relation spoke the genuine language of the Roman people. It was not only that the Romans had reposed an unbounded confidence in the sentiment of paternal love; a happy—may we not say, a providential—instinct led them to ‘embody institutions in persons,’ in the phrase of Burke, by delegating to the father of a family, in his own domestic sphere, a sort of miniature of the sovereignty of the State. It was thus that they lent a moral fascination to the allegiance of the citizen; an allegiance riveted by love, veneration and attachment, when the subject saw in the supreme magistrate the image of a father. Veterans in political wisdom, they were not insensible to the force of ‘those pleasing illusions ‘which make power gentle, and obedience liberal, which harmonize the different shades of life, and by a bland assimilation, ‘incorporate into politics the sentiments which beautify and ‘soften private society.’ Moreover, a large and most influential province of morality was beyond the functions of the State, whose legitimate cognisance was mainly limited to outward actions; whose standard of rewards and penalties was too apt to be relative, weighing crimes by their effects on society and government. To supply this defect, and instil virtuous principles and motives, to train the conscience, to discipline the will, was a task consigned to the guardianship of nature, charged with the fullest authority by the State. The semblance of tyranny, and liability to abuse, which this legal relationship, considered in its utmost latitude, may seem to bear, should suggest to the experience of our own countrymen how many anomalies, both political and social, theoretically very mischievous, may be practically very harmless. A more candid

solution may be sought in the recorded instances of its exercise; in the limitation of the paternal sentence of death by the judgment of a family tribunal; in the censor's resentment of undue severity, and in the fact that the paternal authority, in its main lineaments, survived to a late period of the empire, all the revolutions which civilization and refinement had wrought in the social rights of women. Whether oligarchical revenge, or paternal suspicion, sacrificed the chivalrous and noble Cassius, history has left uncertain; but 'the Judgment of Brutus' was a lasting monument of the triumph of patriotism and public justice over private affection—a triumph that rendered the infliction of the sentence the more awful and impressive. Aulus Fulvius recalled from the ranks of Catiline his son, a youth of high promise, and slew him when he appeared, declaring he had begotten him not to serve Catiline against his country, but to serve his country against Catiline. How sensibly the sting of a father's censure was felt, is clear from the suicide of the younger Scaurus, when reproached for his share in the rout of the Roman cavalry, and on the banks of the Athesis, in conflict with the Cimbri.

Another picture, drawn by Valerius, of the father sitting as judge, tells the same story. Macedon, his province, had impeached its governor, Silanus, before the senate, of bribery and extortion; but the father of the accused requested them, with the prosecutor's consent, to transfer the cause to the domestic bench; and, after a regular trial of two days, pronounced his son guilty, and banished him from his presence, as unworthy of his country and his home. The exile could brook the light no longer, and he finished his destinies with a rope on the following night. A solitary instance of severity stains the consulship of Titus Manlius, who, on the plea of military discipline, put to death his son for having quitted the Roman ranks, in acceptance of a Tuscan officer's challenge. But the soldiery were struck with horror by the scene; and its atrocity is something relieved by the genuine traits of filial piety which graced the youth of Manlius. And, though illustrations of Roman manners elicited from the comic stage are confessedly exceptionable and slippery, owing to the foreign elements of the drama, it is impossible not to recognise the colouring of Roman sentiments in the reiterated avowals of filial duty and allegiance, quite unfashionable among the Greeks, if we may judge from Aristophanes; and in the amiable and often affectionate traits in which Terence suffers to transpire the true character of certain prodigals, even when embarked in pursuits which father and son estimated very differently. Even in the corruption of the Augustan age, the cruel Erioxo, who had abused the licence of the law, was only

saved by the emperor from the resentful fury of the multitude. But the spirit of despotism brooks not a private jurisdiction : Hadrian banished a parent who had chosen the opportunity of hunting to assassinate the incestuous lover of his stepmother ; and Severus degraded the father from the judge to the accuser, referring his complaints to the arbitration of the magistrate. But the tenure of the son's property had been more secure than the tenure of his life. The ingenuity of lawyers had designated filial fortunes by the treble distinction of adventitious, profectitious, and professional ; he could only enjoy the use or interest of what proceeded from the father ; but the accessions of marriage, gift, or collateral succession, were absolutely his, the father claiming only the usufruct during life ; while the rewards of military prowess, and afterwards, by a candid analogy, of any liberal profession, or of the public service, together with the largesses of imperial munificence, were unreservedly enjoyed and bequeathed.

The law invested the master with the most absolute discretion over the person of his slave : a severity only repealed by the humanity of the Antonines, who declared the murderer of his slave amenable to the same penalty as the slaughterer of his neighbour's ; and, in case of cruelty, forced the owner to part with him on a fair tender : an enactment very similar to the Athenian law, and suggestive of a contrast highly prejudicial, on a superficial view, to the early Roman character. But to found a comparison on an isolated point, is equally uncandid and fallacious. When the Athenians sacked a town, the women and children commonly passed into hopeless servitude ; but Roman policy preferred the incorporation of the vanquished to the enslavement of a nation. The¹ interests of Athenian commerce and manufactures rendered the state and condition of their instruments important ; while, in the purer ages of Rome, the agricultural simplicity of the people conspired with the benignant system of clientship—imaged in the feudal relation of lord and vassal—almost to dispense with slaves. Nor ought we to forget how much the levelling spirit of democracy, and the levity of the Athenian mind, must have tended, practically, to obliterate distinctions,—not, perhaps, so much by raising the slave as by lowering the master—which the haughty reserve and gravity of the Roman, fortified by the aristocratical tone of the Roman constitution, would have sensibly felt. The slave was often the Athenian's confidant in the hopeful trade of domestic espionage ; but how would the Roman have disdained to converse with his labourer on the prospects and provocations

¹ See Professor Sewell's 'Essay on the Domestic Virtues of the Greeks and Romans.'

of a divorce?¹ How could that law which had absorbed even filial liberty in the father, give comparative freedom to the slave? It was the pride and selfishness of luxury, not exorbitant power, that set an immeasurable distance between the Roman master and the Roman slave. In early times, they were treated with kindness, and repaid it with respect and affection. They dined in the same hall with the family, much as the dependants of Cedric in Ivanhoe; and the recitation of a few verses earned for Terence a place by the side of Lælius at the banqueting-table. It were vain to expect that the state of servitude escaped the contagion that had tainted more sacred ties. Vestiges, indeed, of better things, lingered even in the days of the second triumvirate, if we may trust a passage in Velleius, wherein it is impossible to say how far truth has been sacrificed to antithesis;² but the abuse of slavery synchronized with the decline of Roman virtue. The law avenged the theft of a freeman with a fine, while it mercilessly hacked off the felon's hand, if he were a slave; and the murder of his master involved all his fellow-servants in carnage or crucifixion. It needs the comic tone to relieve from the affecting the following piece of extravagant resignation:

'Noli minitari; scio crucem futuram mihi sepulchrum;
Ibi mei majores sunt siti; pater, avos, proavos, abavos.'³

And the Flavian satirist graphically paints the vain remonstrance of reason with the very apathy of inhumanity.⁴ Beneath the imperial regime, their demoralised condition, and vast multitudes, far exceeding the civic roll, drove their masters to the Spartan resource of extreme severity, as the only chance of coercion. 'By terror alone,' says a senator in Tacitus, urging the massacre of a whole family of slaves for the offence of one,—'by terror alone can you keep down that medley of corruption and vice;'⁵ and the systematic cruelty that awaited the most trivial delinquencies (we are sorry to say the ladies' maids⁶ seldom escaped from the toilette unscathed, by lash or needle) provoked, in return, the most satanic⁷ excesses of revenge.

In the above pages, we have endeavoured to illustrate the

¹ Plut. de Garrul. 18. 3. οὗτος μὲν ὁ Ἀρμαῖκὸς οἰκέτης· ὁ δὲ Ἀττικὸς ἔρει τῷ δεσπότῳ σκάπτων, ἐφ' οἷς γεγόναντιν αἱ διαιλύσεις. (Becker's Gallus.)

² Id tamen notandum. fuisse in proscriptos uxorum fidem summam, libertorum medium, servorum aliquam, filiorum nullam. Vell. Patrc. ii. 67.

³ Plautus Mil. ii. 4, 14.

⁴ Juv. vi.

⁵ Colluviem istam non nisi metu coereueris.' Tac Ann. xiv. 41.

⁶ Juv. vi. 494.

⁷ See the horrid story told by Pliny, Ep. iii. 14; Sen. Ep. 47.

history and character of the personal relations described by Caius and Justinian, save that of guardian and ward, which, though necessarily included in an institutional treatise, has not the same claim upon our attention, since it does not prominently figure in the social or political phases of Roman life. We are now on the verge of the second section of the Institutes, relating to things or property; in our remarks upon which it shall be our aim, consistently with our promise and the end we have had in view, to seize upon the most striking and expressive only of the features it presents: to the sacrifice of many details, which, though not intrinsically devoid of interest, are neither congenial to our purpose, nor likely, we are sure, to be attractive to our readers.

Dr. Arnold, in the first volume of his Roman History, has forcibly pointed out the characteristic contrasts of the ancient and modern notions of real property, if we may adopt a term strange to the Roman law; contrasts that have deeply affected, not only the laws, but the political and social state of Europe. Instead of the capricious distribution of the conquered country in the shape of fiefs granted to military retainers, the ancient principle was the regular assignment of an equal portion of land to each citizen. Nor was this the case solely in republican communities. Even in the days of the Egyptian monarchy, the caste of landowners, who held their possessions on the term of military service, enjoyed each an equal share. What was thus conferred by the state was given in absolute sovereignty: no seigniorial rights, no feudal duties, were reserved; and political privileges flowed, not from property, but from citizenship, the source of property. ‘The Roman was bound to defend his ‘country, not as the holder of lands, but as a member of the ‘commonwealth: as a master, he had power over his slaves; as ‘a father, over his children; as a magistrate, over his fellow-‘citizens; as a free-born citizen, he had a voice in public ‘affairs; but, as a proprietor of land, he enjoyed only the ‘direct benefits of property, and no power or privilege, whether ‘social or political.’¹ It was not that the possession of land, or its cultivation, was held unimportant by the State: almost all the great statesmen and legislators of antiquity, especially the Roman senate, deliberately preferred agriculture to trade, as the employment of the people, from a conviction of their relative moral tendencies; and the censor might remove from his tribe the Roman who neglected husbandry. An important result of the derivation of political rights from citizenship was the freedom of landed property from the cumbrous empire of

¹ Arnold, *History of Rome*, vol. i. p. 269.

entails, and the consequent simplicity of the law regulating the transfer of the soil. Indeed, the Roman lawyers utterly ignore the whole distinction of real and personal property, the source of all that is most intricate and perplexing in British jurisprudence, and the genuine offspring of feudal principles, developed by that love of subtlety and technicality which Hallam justly regards as the pervading spirit of the English laws.

Almost every inch of the vast territory of Rome had been won by the sword; but the principle of regular assignation by the act of the community was never departed from. Movable property, such as slaves or gold, might be claimed by the citizen or the soldier as the meed of his industry or courage; but every acre of the conquered soil instantly reverted to the state, and could only become the property of an individual by purchase or partition. Large tracts were reserved as the State demesne, just as domains were assigned to the Crown out of the conquests of the ancient Germans. The great fiefs of modern Europe sprang from grants of royal property: and the patricians were allowed to occupy the public land; but, in the latter case, the possession was simply a tenure at will: the State may at any time resume its rights; and, accordingly, these precarious settlements had none of the high political importance which distinguished the holders of the fiefs. No prescription could convert such occupancy into private property, or alienate the legal title of the public domain and the provincial soil from the Roman people. Several inducements conspired, in the earlier ages of Roman jurisprudence, to license an unusually brief term of prescription; the speedy settlement of questions of ownership, and the constant cultivation of the land, were important points in the infancy of the state: and these motions chimed in with the sanctions of religion; for the Latin creed revered the tutelar deities, whose worship could only be celebrated at particular spots and shrines. Two years were thought to suffice, in the narrow span of territory that ancient Rome could call her own, for the landowner to vindicate his property; and half that space gave a right to movable goods, acquired in the first instance neither by fraud nor force; conditions, by the bye, entirely overlooked by Hume, when he thought proper to infer from this short prescription, that there was as little order or settlement in Italy, in the third age of the city, as now among the Tartars. But the legal period extended itself with the growth of Rome, and the laws of Justinian recognised the various terms of three, ten, and twenty years, as more suitable to the breadth of a great empire. The rights of primogeniture, the happy peculiarity of the Israelite and English laws, are unknown to Roman jurisprudence; all members of the family

inherited on an equal footing, without privilege of sex or seniority. In the succession of collateral branches, a distinction, seemingly invidious, was observed in favour of those connected by a line of males; on the failure of these, the inheritance descended to the members of the gens, rather than to the female line; but this preference was founded on the political necessity of maintaining the perpetual descent of property and religious rites within the family pale, and of ensuring, so far as legislation might, a just equality in the fortunes of the great patrician houses. But, in proportion as the growing fusion of the orders gradually cast into shade the old significance of birth distinctions, the natural ties of blood and affection insensibly triumphed before the equity of the *Prætor*; the female kindred were preferred to the wider community denoted by the gens; the mutual inheritance of mothers and sons was recognised by the Tertullian and Orphitian decrees: and the age of Justinian witnessed the absolute confusion, in the eye of the law, of the lines of male and female kindred. But, as at Athens, so at Rome, the just or arbitrary preference of a father might infringe upon the natural order of succession. Before the age of the Decemvirs, the legislative sanction of the thirty curies could alone suspend the general law of inheritance; but the twelve tables were content with the approval of five citizens, the representatives of the various classes of the Roman people, a sixth witness attesting their concurrence; and this singular ceremony, which involved an imaginary sale and release, actually lingered to the days of Severus; although the *Prætor* had sanctioned a more simple testament, requiring only the seals and injunctions of seven witnesses, legally competent to the act, and expressly summoned for its discharge. But the experience of cruelty or caprice recommended to the equity of the legislature some limitation of parental rights. Unless a fourth portion had been reserved to the children, they could institute an action, as it was termed, ‘of inofficious testament;’ and the father was called upon to specify the crime which had entailed the forfeit of inheritance. The institution of trusts and codicils (an excrescence upon the legal system created by the struggles of natural justice with positive law) constitutes a signal epoch in the history of Roman jurisprudence: and has additional claims to attention from its adoption, through the medium of the clerical chancellors and their successors, into the Court of Chancery, which, in this respect, observes Mr. Spence, assumed a power nowise short of legislative, in controlling the maxims of the Common Law on the principles of equity and conscience. For not only, in virtue of a law created ‘for private convenience, and independent of the Common Law, was the person legally entitled deprived of

' all the beneficial incidents of property, but a distinct title to
' the enjoyment was introduced, not only unknown to, but at
' first repudiated by the law.'¹ Its origin may be briefly
sketched as follows:—During the later years of the Republic,
the formalities of law, and especially certain prohibitory regulations,
such as the Voconian, which restricted the inheritance of
a woman to the sum of 100,000 sestertes, rendered it a common
practice to constitute a qualified citizen as heir, with a prayer
that he would restore the property to a person incapable of
directly receiving the inheritance. Down to the days of
Augustus, these confidential testaments were faithfully fulfilled,
or defeated with impunity; but the second of the Cæsars,
seemingly more anxious to legalise the evasion, than to supply
the deficiencies, of the law, enjoined the Courts to enforce the
performance of codicils and trusts, and afterwards entrusted
their cognisance to a special Prætorian Court. They were in-
troduced into England, under clerical auspices, primarily, it
appears, in furtherance of fraudulent purposes; 'the Bishops
' and heads of religious houses, as a contrivance for evading the
' laws prohibiting alienations in mortmain, procuring lands to be
' conveyed, in fee simple, to some friendly hand, upon trust that
' they and their successors should be permitted to enjoy the
' profits. The Laity followed their example with as much zeal
' as their comparative ignorance of legal resources permitted.'²
Certain legal obstructions, especially the provision (15 Richard
II. 1. 5) denouncing the evasion of the statutes of mortmain
through feoffments to uses, discouraged the ready transgressors
of the Common Law from appealing to the clerical chancellors
to aid them in securing the faithful discharge of the duties of
their trustees; but in the reign of Henry V., when the greater
part of the land of England was held by feoffees in trust,
the fulfilment of these important duties could no longer be
abandoned to the sense of honour, or the mild coercion of the
confessional; and the Chancellor was applied to, as a judge in
matters of conscience, to legalize and enforce their execution.³

We need but little apology to our readers for passing over
the various obligations arising from usury, mortgage, loans, and
the like, which present themselves on the threshold of the third
section of the Institutes. In a legal point of view, the division
is perhaps the most valuable legacy left to modern Europe by
the Roman lawyers. But it has no such pretensions to our
notice; and it will be more to our purpose to devote our
remaining space to a brief survey of their civil and criminal
jurisdiction: a province of our subject which promises to throw

¹ P. 436 vol. i.² Spence, p. 440.³ See Spence, pp. 439–448.

considerable light upon the state of ancient society and legislation. It is singular that the Roman jurisprudence, though fully alive to the ordinary distinction between private wrongs and crimes, never regarded theft as other than a civil injury, to be compensated by an action for damages. By the decemviral legislation, indeed, the nocturnal thief might be slain by the owner who surprised him; and the same summary justice might be wreaked upon the mid-day robber, who defended himself with a weapon; while, if he surrendered, he was whipped, and treated, pending restitution, as the debtor of the injured person. But the idea of a penal retribution was shortlived; the edict of the *Prætor* substituted an action for fourfold damages, whether the thief were a freeman or a slave; and the degrees of compensation were lowered when the robber was discovered by a subsequent research, or was merely the receiver of the stolen goods. The difficulty of secondary punishments in the earlier stages of society may be alleged in partial explanation of this seeming laxity. With a thin population, imprisonment is ever an expensive penalty; fines are only another name for civil damages; transportation is impossible, prior to the establishment of colonial settlements; and the sentiment of republican pride recoiled from the indignity of corporal inflictions. But a more satisfactory solution may be found in the common policy of the Romans, which gave every householder and every citizen a certain jurisdiction of his own,—which invested the owner with plenary powers for the protection of his property, and the injured husband with summary vengeance on the authors of his shame,—which armed the citizen with the sword of justice against the enemy of public freedom, and saw even in the fall of Cæsar rather a justifiable homicide than a treasonable murder.¹ At any rate, the Roman leniency may be favourably contrasted with the Saxon system of pecuniary compensation alike for robbery and murder, and with the Norman confusion of offences against property and life under the same capital penalty: an iniquity which, in spite of the philosophical and spirited remonstrances of the Marquis Beccaria and Sir Thomas More, stained the pages of British jurisprudence later than Judge Blackstone's days.² Personal insults, or assaults not amounting to the fracture of limbs, were indiscriminately avenged by the Decemvirs with a penalty of twenty-five asses. But the progressive reduction in the value of money made the gratification of revenge ridiculously cheap: in three centuries the

¹ ‘This sentiment,’ observes Gibbon, ‘Suetonius could echo under the Imperial Government, (*Jure cæsus existimatur. In Julio, c. 76.*)

² Larceny above the value of twelvepence was punishable with death as late as 1827. *

compensation sum had declined from a pound to half an ounce; and a wealthy Roman amused himself at the expense of the law, by battering his fellow-citizens in the streets, and silencing their clamours by the legal tender of a handful of coppers, the value of an English shilling. But the rude justice of the framers of the Twelve Tables found, as usual, its corrective in the equity of the *Prætors*, who assumed a right to weigh the various circumstances of aggravation, and to modify the penalty accordingly.

It is not without reason that Livy¹ has applauded the clemency of the Roman law; for the humanity of the people rapidly cancelled the harsher features of the Decemviral code, which, however, more moderate than our own lawgivers,² had adjudged only nine offences to be worthy of death. In annexing the forfeiture of life to the crime of treason, to the murder of a citizen, the malice of an incendiary, the sorceries of witchcraft, the perjury of a witness, or the corruption of a judge, they acquiesced in the general sentiment of mankind, or yielded to the inveterate superstitions of a rude age. But in the extension of capital punishments to nocturnal meetings, whether religious or political, unless specially licensed by the Senate, we cannot fail to recognise at once the aristocratical spirit of the laws, and the deep tints with which the conspiracy for the restoration of the Tarquins coloured subsequent legislation. Nor would it be too much to say that the dread of political dangers from the nightly assemblies of the Christians, as powerfully fomented their persecution as the exclusiveness of their creed. Another provision, as aristocratical in its tone, and pregnant with important results upon Roman literature, was the law which visited libellous defamation at first, it seems,³ with the bastinado, afterwards with a loss of franchise, rendering the offender incapable of giving evidence in a court of justice, or of making a will. Cicero contrasts this effective curb on the freedom of the press with the licentious revelry of the Athenian comic muse; but in proportion as it shielded the dignity of the public magistrates from the vilifications of sycophants and demagogues, it stained the sources of Roman history with audacious and systematic falsehood. The powerful house of the Metelli could drive Nævius from Rome, for the modest irony,

'Fato fiunt Romæ Metelli Consules.'

No annalist dared speak aught save respectfully of the generals

¹ He asserts (Lib. 1.) 'nemini gentium mitiores placuisse poenas.'

² A few years back, it is hardly necessary to remind the reader, 160 offences were capital.

³ See Arnold, *Rom. Hist.* i. p. 288.

and statesmen of his time ; poetry and prose alike caught the taint of adulation ; and even the genius of Niebuhr has been sorely tried to unravel the true lineaments of the heroes of the past from the venal mass of fiction. But the Twelve Tables were degraded by ineffaceable monuments of barbarism and folly ; they deliberately sanctioned the inhuman and iniquitous principle of retaliation ; and the explanatory efforts of Gellius, who is good-natured enough to believe the penalty only held out *in terrorem*—never actually inflicted—are a palpably thin screen ; for its perpetration could only be averted—until the *Prætor* regularly substituted an assessment of damages—by the ability of the defendant to offer, and the disposition of the plaintiff to accept, a pecuniary compensation. Their pretensions to a character for cruelty are also fully sustained by the sanction they unhappily gave to the odious severity of the law of debt ; the notoriety of which may well supersede any further notice at our hands, than the slight palliation it receives from the expediency of checking idleness and fraud by a salutary terror, and from the Roman veneration for social and political faith—a sentiment enshrined in the temple of the heart—whence it dictated an honest and literal discharge of the most onerous engagements that surprised the volatile Greek :¹ the self-surrender of Regulus, the tradition of generals and consuls, the sanctity of the bond between the patron and the client, the violation of which Virgil could rank with the breach of filial allegiance.

But the criminal provisions of the decemviral code were gradually obliterated or relaxed by the discretion of the *Prætor*, and the humanity of the people. The majesty of his country shed dignity and lustre upon every Roman ; and the Porcian and Valerian laws sheltered the freeman from the degradation of the axe, and the indignity of the Lictor's rod. ‘The obsolete ‘statutes of blood,’ says Gibbon, ‘were artfully and perhaps ‘truly ascribed to the spirit, not of patrician but of regal ‘tyranny ; and impunity became the consequence of immoderate ‘rigour :’ for the jurisdiction of each private citizen feebly supplied the lapse of penal laws, and the inadequacy of civil actions. From the era of political equality to the fall of Carthage—the fairest portion of the Roman annals—the voice of sedition was rarely heard, nor justice repeatedly hurt by atrocious crimes. But the high tide of affluence and foreign dominion, and the spirit of civil dissension, swelled the temptations and rekindled the flame of avarice, rapine, and revenge ; the era of Tully gave each citizen the privilege of anarchy, each provincial magistrate

¹ Polybius l. vi. p. 693, l. xxxi. p. 1459, 1460.

the temptations of regal power; the amendment and consolidation of criminal justice became a matter of most pressing urgency; and the blood-stained memory of Sylla is relieved in the judgment of posterity, by the efficacy and wisdom of his measures to vindicate and fortify the law. His was no mere patchwork scheme. The Cornelian statute of fraud was confined to the forgery, the suppression, or the mutilation of wills, and the utterance of false coin. But Statilius Taurus, A.D. 15, embraced within its pale other than testamentary instruments; and its vengeance was subsequently stretched to conspiracies for the ruin of the innocent; to the interested defence of a criminal cause; the giving or withholding evidence for money; and even the refusal to accept the coin of the realm in legal payment. In the punishment of personal injuries, the discretion of the magistrate had long usurped the effete and barbarous legislation of the Decemvirs; but the Dictator curbed the capricious latitude of Praetorian equity by special provisions for batteries and assaults, and cases of forcible entry into private houses. Yet he insulted not the prejudices of his age and country; and the penalties of exile were the sole aggravation of the civil damages. Numa and the Twelve Tables had made wilful murder a capital crime; but the armed banditti, the pestilent satellites of civil war, who roved in quest of bloodshed and proscription; the wretch who sold or administered poison; the judicial conspirator; sorcery that threatened life; had no more awful terrors than the lenient interdiction of fire and water. But the luxury of revenge and the thirst of gold grew with the evil revelry of faction and the licentious scorn of law. The Emperors added extraordinary pains to the Cornelian register of crimes,—a plausible cover for the insidious approaches of despotic power;—the second of the Cæsars punished the attack upon houses or villas by an armed force with death: transportation or beheading was the fate of the more honourable classes: the gallows, the stake, the cross, or the fangs of wild beasts, were reserved for meaner criminals. But the Imperial stretches of the law of treason are the most melancholy proof of the abuse of jurisprudence, and the servility of the Senate; always ready to hound to death the victim whom the fantastic jealousy of the Prince had marked for ruin. The betrayal or surrender of an army or a Roman citizen to the enemy, the raising sedition, or the maladministration that impaired the majesty of the Roman state, were the offences which the Decemvirs had visited with death, and the milder spirit of a later age with exile. Overt acts, Tacitus expressly declares, could alone constitute treason: words were not indictable; but beneath the gloomy and vindictive sceptre of Tiberius the most imaginary slight, distorted by the obliquity of a tyrant's jealousy,

was as the shadow of death. A contributor to the Digest mercifully states that it is not high treason to repair the decaying statues of the Caesar; and a rescript of Severus charitably exempts from the pains of the axe the accidental violation of an Imperial image by an erring stone.

But the reforms of Sulla were not limited to the enactment of fresh, and the confirmation of old, laws; he provided also for their more effectual administration. The dispensation of justice had been the early prerogative of the kings, and the seven hills may have witnessed many such scenes as the wood of Vincennes in the days of St. Louis; who, says his biographer,¹ used to throw himself at the feet of an oak in the summer season, call upon all who had suits to appear before him, and bid two of his bailiffs give them summary redress upon the spot. The counts inherited the office of the exiled prince; but the sacred right of appeal transferred the supreme jurisdiction to the people, who, assembled in their tribes, could inflict a fine, while the cognisance of capital crimes was reserved to the tribunal of the Centuries. Special limitations, the offspring of Roman good sense, though as favourable in some respects to guilt as to innocence, curbed the venomous band of sycophants, and the passionate excesses of popular resentment. None but a magistrate could accuse; bail was tendered and received alike in capital and in minor cases; the accused might withdraw into exile while the last tribe was voting; repeated adjournments allowed passion and prejudice to cool, and the veto of a tribune, or an imaginary omen, might annul the Court. Extraordinary commissions were occasionally issued by the Senate for the trial of offences unspecified by statute, but punishable by immemorial usage and moral opinion;² a proceeding totally unknown to the purer ages of British justice, though repeatedly essayed in the long struggle between the Crown and the Parliament. But with the progress of crime particular laws were enacted for special transgressions, casual commissions were superseded by a permanent delegation of the judicial authority of the people to the Prætors, who, by the wise ordinance of Sylla, took cognisance in their several courts of cases of treason, highway robbery, and poison, murder, embezzlement, bribery, adulteration of coin, forgery, and outrage. But the Dictator had neglected to remedy an important mischief in the constitution of the new tribunals—the Prætor was not the judge in criminal cases, but

¹ Joinville, quoted by Hallam, *Middle Ages*, vol. i. p. 281.

² e. g. ‘*Seu legibus, seu moribus mallet, anquireret.*’ Livy, xxvi. 3; involving the alternative of prosecuting for a capital penalty, or for a fine; the latter being fixed by the laws, the former deserved by the atrocity of the case. (Twiss and Crevier ad locum c.)

scarcely more than a quasi-Athenian president of the court, charged with enforcing regularity of procedure. He had no influence whatever on the sentence; no opportunity of exposing the irrelevant or fallacious pleas set up by the interested ingenuity of advocates; questions of law and of fact—the capital and inveterate defect of ancient jurisprudence—were mischievously confused; and sophistries, which it would be hopeless to allege under the eye of a British judge, were deliberately and successfully palmed upon the credulity or the prejudice of the Roman benches. Moreover, the verdict of the Court was final, for it represented the people, thereby excluding the idea of a recommendation to mercy; so that the distinct functions of pardon and acquittal were exercised by the same judges at the same hour; a confusion that too readily admitted loose considerations of expediency, fortuitous results, personal compassion or dislike, into decisions which ought to have been rigorously based upon the tenor of the law, and the facts of the case. In the more complicated questions of civil jurisprudence, the *Prætor* enjoyed the authority and discretion of a judge; but he often shared with his assessors, the *Centumviral College*, the agreeable duty of settling dry and technical controversies of ‘adverse possession, guardian and ward, pedigree, the law of debtor and creditor, ancient lights, easements, the validity of wills, and, in short, almost everything connected with the rights and liabilities of parties.’¹ Until the days of Constantine, the decuries of Roman judges retained their place, though the imperial delegates might accept or despise the counsel of their assessors; but the despotism of the later Emperors preferred the administration of civil and criminal justice by a single magistrate, raised and degraded at their pleasure; and secret tribunals usurped the open courts of the republic, equally uncongenial to the absolute sceptre of the Cæsars.² Centralisation rapidly encroached upon the old municipal system; ‘extraordinary commissions,’ held by the representative of the sovereign, decided the most important cases in the provinces; the professional jurists industriously magnified the authority of the Prince, as ‘the sole fountain and interpreter of the laws;’ and it is thus that, wherever on the Continent the administration, and not merely the principles, of the Roman law have been copied, it has everywhere been found a convenient ally of despotism; everywhere declared itself the enemy of the free jury system, of native institutions, and of the due partition of the judicial functions.

That legislators were judges, and judges legislators, was an-

¹ Forsyth, p. 89.

² Long, p. 65.

³ The servile language of Ulpian.

other defect in the constitution of ancient courts, though more conspicuous in the Athenian than in the later Roman system. Functions so distinct as those of *jus dicere* and *jus dare*, obviously ought not to devolve upon the same body of men; for the judge, theoretically the servant of the law, is tempted to exalt himself above it. It is not only the principle of the division of labour that, in every highly civilized state, calls for the *professional* study and dispensation of law; the administration of justice should move in a sphere of its own, isolated from those vague computations of general expediency so apt to beset a political judge. The vexatious tyranny of the Star Chamber, the blood-stained sycophancy of the Roman Senate, when, under the Emperors, it assumed the ordinary jurisdiction of treason, and the desperate uncertainty of criminal prosecutions before the popular court of the Roman Centuries, all signally testify to the sinister tendencies of politico-judicial courts. The remark that 'the expedient' is the principal end of public deliberation, justice, the object of the judge, is as old as, perhaps older than, Aristotle; but it would be difficult to illustrate the Stagirite's distinction from the records of Athenian pleadings. The rhetoric which had won its way at the Ecclesia was equally welcome at the Heliæa; the prejudices, the passions, or the caprice, that reigned among the benches, were scientifically studied and successfully addressed; and appeals to common rumour too often counterweighed regular evidence and legal argument. But at Rome the evils of popular courts were met by many modifying influences. The Athenian jury list comprised the whole community, while the Roman panel consisted only of four thousand citizens of the populous empire of Augustus, impartially drawn from the three¹ orders of society, the lowest of whom were, or ought to have been, men of some property. Then the Roman *prætor*, a magistrate often indebted to his forensic repute for his honours, was a far more dignified and influential president than the Athenian nominee of the ballot; especially in civil cases, the cognisance of which, long before the days of the empire, was limited to the Centumviral College, a kind of special jury. It is curious to observe how little either of the great nations of antiquity seem to have appreciated the principle of a trial by peers, so favourable to the accused, both in its feudal origin and actual effects. But the Athenians were still further from its realization than the Romans. While we readily subscribe to Mr. Grote's assertion, that the Athenian jury system exhibited on an exaggerated scale the characteristic defects of our own, we cannot agree with him that a prisoner

¹ The Senate, the Knights, and the Tribuni *Ærarii.*

would have had a better chance of a fair trial before the Dicasts than any modern court, save in Great Britain and the United States. The great majority of those 'conscientious and enlightened' jurymen were drawn from the lowest orders, and were proverbial for an inherent and venomous prejudice against rank and fortune. Thersites, we believe, might have fared better with them than Nicias or Cimon. On the other hand, in the organization of the Roman Comitia of Centuries, the influence of property was sensibly felt, and the levelling bias counterbalanced; and the ultimate partition of the Roman select jury among the Three Estates, representing in the aggregate the whole mass of the community, is a partial recognition of that feudal principle, which, amid all our vicissitudes, still influences the practical system of British justice.

Mr. Forsyth has collected the records of several suits conducted in the Roman forum, so illustrative, for the most part, of the constitution and working of the courts, and of the tone and state of society, that our readers will not, we are sure, regret our presenting them with some of the more prominent and expressive:—

' One of the *Causes Célèbres*, before the time of Cicero, was that of Coponius against Curius, in which Crassus, who affected to despise legal knowledge, was opposed to Scævola, the most learned lawyer of his day in Rome. Coponius, when on his death-bed, thinking his wife pregnant, made a will, in which he named as his heir the child to whom he expected she would give birth, provided it were a son; but directed, that in case his posthumous son should die before he attained his majority, then M. Curius was to be his heir. Coponius died, and his widow proved not to be pregnant. Upon this, M. Coponius, the heir-at-law of the deceased, claimed the property, of which Curius had taken possession, and brought an action in the Court of Centumvirs against Curius, who asserted his right under the will. Scævola was counsel for Coponius, and Crassus for Curius. The plaintiff contended that the words of the will ought to be literally construed, and that it contained a condition precedent which had not been fulfilled. Curius was only to succeed as heir on a certain specified event happening, namely, the death of a posthumous son before attaining his majority; but if no son was born, there was no period at which Curius could take. Scævola further insisted that the defendant had been nominated in the will guardian of the infant, whose birth was expected and pre-supposed; and that he had, as we should say, a remainder limited, contingent upon the infant's not attaining his majority. But what title had he, if the contingency was nullified by reason of there being no son? He insisted on the literal construction of the will, and pointed out the danger of departing from the plain words of written documents (a doctrine always rigidly upheld and acted upon in England) in order to indulge in plausible conjectures as to what the writer may possibly have meant. Crassus, on the other hand, ridiculed these legal technicalities, contending that the will ought to be construed *cy pres*, and argued that the intention of the testator clearly was to make Curius his heir, in case he had no son. He made an *ad captandum* speech, enforcing his view of the case with so much wit, that the trial, which had promised to be a very dull affair, became lively and amusing;

and the result was, that Curius had the verdict in his favour.'—(Pp. 115, 145.)

So habituated were Roman ears to these appeals, that not only was the law defeated by their use, but even innocence condemned by their omission. Rutilius Rufus, whose spotless integrity won the love and admiration of his countrymen, and the lasting testimony of Tully and Velleius, when falsely impeached on a charge of illegally receiving money as a magistrate, disdained to shield himself against his unscrupulous accuser by the degradation of a suppliant voice and mien, forbidding Scævola and Cotta to adopt an impassioned style of defence; and finally lost his cause, because, says Cicero, 'it was pleaded 'in a style that could only suit the Utopian republic of Plato. 'No groans or cries of grief were heard from any of his counsel; 'no complaint or sorrow was expressed, not even a foot was 'stamped, and no appeal was made to the pity of his country- 'men.' And the elaborate speech of Tully for Muræna tells the same story; for though the 'parts which professed to 'grapple with the evidence in detail are lost, if what remains 'is submitted to a logical test, it will be found to have little 'real relevancy to the issue which the court had to try. The 'chief weapon which he uses is the *argumentum ad personam*, 'which, though galling to an adversary, ought to have availed 'his client little before an honest and intelligent tribunal. To 'banter Sulpicius upon "quirks and quillits" of the law, and 'Cato upon the absurdities of a paradoxical philosophy, was not 'according to our notions the way to establish the innocence of 'his client; but it was an effectual mode of *prejudicing* the 'minds of the jury; and the advocate knew well that if he 'could succeed in doing this, he was tolerably sure of a verdict 'of acquittal.'—(Forsyth, p. 191.)

The case of Roscius, the first criminal cause conducted by Cicero, so lucidly reveals the deep infection of Roman society in those disastrous days, that we will allow Mr. Forsyth to detail it in his own terms:—

'Sextius Roscius, an inhabitant of the municipal town of Ameria, where he had considerable property, and was much respected, while making a short stay at Rome, was murdered one night near the Palatine baths as he was returning from a party of friends. The news of his death was brought by a freed-man of Titus Roscius at day-break next morning to Ameria, a distance of fifty-six miles. This T. Roscius, as well as another member of the same family, surnamed Capito, were both natives of Ameria, and enemies of Sextius. The latter left a son, whose life had hitherto been passed in the country, where he attended to the cultivation of his father's estate, to which he was entitled to succeed at the death of the latter. But the Roscii were determined to deprive him of his inheritance, and they induced Chrysogonus, one of Sylla's freed-men, and high in his favour, to assert that Sextius had died in debt to him. Under pretence of liquidating

this, the property was seized, and sold at a price miserably below its value, and Capito and Chrysogonus became the purchasers. The former bought for himself three of the most flourishing farms, and took possession of the rest of the estate and effects, under pretence of holding them for Chrysogonus. Not content with this, the two Roscii instigated Erucius to accuse the destitute son of having been the assassin of the father; and Cicero had to defend him against the charge.

'The trial is a proof of the corrupt state of society at Rome. There is no doubt that young Roscius was in the most imminent danger of a conviction, and that Tully trembled for the result. And yet no charge was ever more groundless, or supported in a court of justice by more feeble evidence. This consisted almost entirely in an attempt to show that the father disliked his son, of which the only proof was that he kept him in the country, and that he once had the intention of disinheriting him. That such a case, so bare of even a presumption against the accused, should have occupied a criminal tribunal for a considerable time with a doubtful result, was an outrage against common sense, and can only be explained by considering the deplorable condition of the republic, when causes were decided, not according to their merits, but under the influence of bribery or fear. Sylla was all-powerful in the state,—Chrysogonus was his favourite; and Cicero knew that these were arguments against his client that would go far to supply the place of facts. He made a masterly and conclusive speech; but much more elaborate than, according to our notions of criminal jurisprudence, the case seemed to require, for not a tittle of evidence was adduced to connect the son with the murder. He was at Ameria at the time; he had neither friends nor influence at Rome; not a shadow of proof was given that he had ever seen or communicated with the assassins; nay, it was unknown who the actual assassins were. All the presumptions of guilt pointed towards the Roscii, Capito and Titus, especially the latter, whose freed-man had brought the first intelligence so rapidly to Ameria, and whose previous character and conduct subsequently to the murder justified the darkest suspicions. Under these circumstances, we should imagine, that the duty of the counsel for the accused would be simply to stand on the defensive, and to challenge the other side for the proof of the indictment. Unless it could be shown that young Roscius was present at, or privy to the murder, there was an end of the case, and he might at once demand an acquittal. But Cicero did not venture upon such a course before the tribunal he was addressing. He enters most minutely into the whole case, examines every possible view in which it can be presented, carefully balances the presumptions of guilt as they apply to the one party or the other, deprecates the idea of giving offence to Erucius or Chrysogonus, and artfully appeals to the compassion, and fears, and justice of the court.'

The successful result of this defence is well known; Tully's heroism won universal esteem and admiration; but his friends advised him to leave Rome, to give Chrysogonus time to forget him.

We have not room for Mr. Forsyth's illustrations of civil cases; but we will give a specimen, amusing from its captious technicality, where the liability of a vendor was sought to be pushed to a ridiculous extent. A conceited lawyer, one Bucculeius, in selling some houses to a certain Fusius, stupidly gave an ambiguous warrant for the windows, capable of implying a guarantee that the prospect they commanded should not be

impaired. Fusius took advantage of this, as soon as buildings were erected in the city, within sight of his windows, and brought a suit against Bucculeius, based upon the change of view.¹ Quintilian gives several instances of what the English law terms ‘patent ambiguity’ in wills, which is, in our courts, fatal to the instrument in which it occurs. A testator expressed his wish for the erection of a statue, thus: ‘Poni statuam auream hastam in manu tenentem.’ Of course, it was open to discussion, whether the statue or the spear was to be of gold; the former was far from unprecedented; one such had graced a temple of Apollo, a tribute from his admiring countrymen to the eloquence of Gorgias. A Greek had left a legacy, Πάντα Λέοντι (of course written πανταληοντι); and, accordingly, both Leon and Pantaleon claimed the benefit. Instances like these remind us of the famous case in Scriblerus, ‘Stradling v. Styles,’ where all his black and white horses were bequeathed by a testator to his legatee; when it appeared that, besides black and white, he had piebald horses also; and the question arose whether the legatee should have the latter into the bargain.²

¹ Mr. Forsyth, in his report of this case, has totally eclipsed the point at issue. He says nothing of the ambiguity of the warrant—(*in mancipio lumina, uti tum essent, ita recipit*, are Tully’s words,)—the hinge of the action.

² Forsyth, p. 121, Note.

ART. II.—Quakerism; or the Story of my Life. By a LADY,
who for forty years was a Member of the Society of Friends.
 Dublin: S. B. Oldham.

WE do not know how far the members of our Church at large share in the ignorance we must confess of the internal workings of the Quaker system; how far they sympathise in the vague sense of wonder with which the sight of Quakers, and the rumours of their mode of worship, have affected us from our childhood downwards. But we suspect that the real knowledge of Quakerism in the popular mind is confined to the facts, that its members wear a peculiar and very ungraceful dress, by which they may be recognised at the extremest point of vision; that many Quakers are very rich; that there are no poor Quakers; that the women are said to be in the habit of preaching; that they address each other, and the world at large, as thee and thou; and persist in certain traditional contempts of pure English, and correct construction; that they refuse to take oaths, to pay tithes; that their common mode of worship is to sit still together in a large room, with their hats on; that they reject the sacraments, and have no ordained ministry, and that all these observances and non-observances are alleged to be on conscientious grounds.

We believe that men in general have so little sympathy with what they see, that they let it pass without a thought; that they are content to know these things without trying to account for them. They do not care to analyse the question so far as to discover what instincts of our nature are satisfied by the extraordinary practices which separate this body from the rest of mankind by so strict a line of demarcation; and yet it is a very remarkable anomaly that we witness, every time we encounter in public places, in assemblies collected for curiosity, information and amusement, groups of three or four, male and female, distinguished by a grave, decorous, costly frightfulness of apparel; the human form sedately disfigured, the fair proportions of the fairer half of our species hidden and disguised with a neat precision, as if the finish of the workmanship were intended to atone for what a sculptor would call the impiety of the act,—for a deliberate disfiguring of the form, a misrepresenting of it, with the apparent purpose of concealing its diviner parts, does partake of this reproach. It is true, the vagaries of fashion do this constantly, but not knowingly; and to do justice to the tailors and mantuamakers of all ages, they have had no other aim than to improve nature's workmanship in the

design of making it more beautiful in our eyes. The Quakers' dress, on the other hand, is evidently intended for a neat and decorous disfigurement—and, to us, we own (we speak of the *female attire*,—for we must confess that of men to be on all sides so far astray, that it is little more than the singularity and the association which gives one inferiority below the other), the success is complete. The countenance seems only too readily to fall into the scheme, to acquiesce in its degradation, and, under the shadow of the bonnet, assumes—doubtless, under that disguise only—all the characteristics of rigidity, plainness, and pragmatical stolidity which that singular head-dress so aptly expresses.

If the curious work at the head of our pages is more a comment on the practices enumerated, than on the doctrines and fundamental principles of Quakerism, the reason seems to be that the present phase of the system affords nothing else to comment upon. There is nothing more to learn than what we see, nothing left but externals; the system has decayed from within, and left only an outer shell—a course of observances and traditions of men. The omissions of a former age are the *acts* of the present; the negligences of a wild enthusiasm are transformed into rigid requirements, and the relaxations of two hundred years ago are the bond, and fortress, and dependence of to-day. There seems to be no creed, no concert of principles, but only a desire for outward conformity; and the successors of enthusiasts whose aim was to forget the body in aspirations after so-called spiritual worship, do not scruple to call a few peculiarities of speech and costume, ‘the foundation stone’ of their Society. With such a foundation the superstructure nods to its fall; but many a stout piece of masonry which leans as ominously still keeps its ground, held together apparently by a habit of standing, and really by some secret element of strength, which counteracts for a season the downward tendency—and Quakerism, without a creed, and with many seemingly repulsive observances, has this hidden element of strength, in that it falls in with, and accommodates itself to, a very ordinary and, therefore, natural arrangement, to be observed between the two sexes in the middle rank of life to which Quakerism belongs.

It is very common, in the families of men of business and occupation, to see the wife zealous and active in religious concerns, and to find the husband content to leave these matters with her, while he profits in the general estimation by her zeal, devoting himself pretty exclusively to the interests of his calling. What is here done in private life, and on a small scale, is the ruling principle of Quakerism. The division of labour is almost as

much an understood thing as a *fact*, as though it were placed on the minutes of the Society's book, of discipline. The women preach and superintend its religious concerns, the men diligently follow their callings, and each, to use their own phraseology, 'find peace in so doing,' whatever the nature and value of that peace may be. We say, acquiesced in as a *fact*; for some of the clearer sighted amongst the body are alive to it as a weak point: witness the following dialogue from the work before us, between the celebrated Elizabeth Stately, in whom there is no difficulty in recognising a Quakeress of European fame, and a 'Friend,' named Joseph, after a preaching at the Dublin yearly meeting:—

"Your ministers, I observe," she said, "are mostly females."

"Yes," he replied; "an American Friend was not long since amongst us, and remarking how the gift of the ministry was so generally bestowed on our women Friends, he was led to speak of it from the gallery as a symptom of decline in the vigour of our Society. He warned us to stir up the life within us; 'or,' said he, 'the women will take your crowns from you.' Some of our females were not well pleased at the remarks he made."

"Really," she replied, "I am of opinion that it is very desirable men Friends should share with us in the burden of the ministry. The weight of so serious a calling is too important to be exclusively laid on the females."

"Yes," said Joseph, "but our men do not seem to apprehend that they are called to speaking in public, and as the women do feel willing to surrender themselves to the service, it appears as if the arrangement was not altogether of our own seeking." —P. 142.

Power is always won at some sacrifice, and the female Friend has some privations to undergo in return for such high honours. But before proceeding with these questions, it is time to give some account of the present narrative, and the motives which led to its publication, professing, as it does, to enlighten the world on Quakerism, and to tell what has never been told before. It is only appropriate that this bold design should be carried out by a female hand.

The revelations of those who have left any religious body must always be received with caution, if not suspicion. It is a perilous trial of temper, candour, and charity, to undertake such a task. It is hard to speak fairly of the Society which has discarded you; it is invidious to expose old acquaintances to the ridicule of an unsympathising world. These are all true as general principles; but though the dangers on all sides are imminent, a candid loving mind may steer clear of them, and be justified in yielding to an impulse which seems to call upon it to rouse old friends from a dangerous lethargy, by detailing the errors in doctrine and practice to which they are yet blind, and from which it has been permitted to escape. This is the alleged motive of the present work; it is not carried out with-

out now and then betraying indications of personal feeling and bitterness of spirit; but the body of the writer's statements are, we think, free from these charges, judging, as we do, *only* from the narrative itself, and without knowing anything of the authoress beyond the facts furnished by her own pages. There can be but one opinion of her success in making her work a popular one. Whatever 'Friends' may say, however it may influence them, doubtless, the question of main importance, the literary public will think it has found a very readable book on a new topic, while the more thoughtful practical mind will find lessons and warnings in scenes of absurdity, where others derive only amusement. The following detached extracts from the preface show the authoress's own views and intentions in the task she has undertaken.

'Circumstances, over which I have had no control, have occurred to liberate me from the painful feelings which might deter others from speaking of the system in which they were incorporated. No desire to place myself ostentatiously before the public has influenced me; indeed, I would have shrunk from revealing my personal experience, but that, anxious to do good to the Society to which I once belonged, I could not hope to succeed in that effort without a simple detail; and therefore I resolved to narrate what has come under my own observation, and that which I know to be authentic. Every scene I have delineated is drawn from nature, every circumstance I have related is substantially true. I have carefully abstained from exaggeration, and repeatedly thrown the veil of obscurity over the record of scenes which too strongly developed the subject I was treating. . . . My chief motive for writing is, because I see the precious souls of so many Friends perishing for lack of knowledge; the blind leaders have led, and are leading, the people astray; and I would hope that, by reading the nonsense, which, when heard, is generally allowed to pass away from the memory without leaving any impression, and by permitting common sense to assume its due empire, some, at least, may be ashamed any longer to submit to so degenerate, and, may I not add, so demoralizing a creed. . . .

'The ridiculous nonsense of many of the scenes I have related, will doubtless annoy the Friends; and those who have not attended the meetings, or previously known the curious discipline of the Society, may, perhaps, imagine that the men's meetings are more sensible than the women's; they will be mistaken who do so; the women are infinitely the most religious portion of the community: there are twenty women preachers, or more, to one man. But when the Bible is superseded, the commandments neglected, and man's imaginings allowed to assume the place of the law of the Lord, what can the Christian expect to meet, but error and folly, delusion, and, alas! a soul-destroying system of self-deception?

'Should Friends venture to intimate that, as an anonymous writer, I have presumed to step beyond the line of truth, or even to colour my pictures too highly, I am ready to meet them in a second edition, which cannot be called for too soon, and in it to give, not only my own name, but also the true name of every single actor in my drama, the place and time of each circumstance, and the original documents from which my story is condensed.'

The history of her own life and experience has appeared to the authoress the only mode of raising her testimony against

Quakerism. It is because she thinks she has *seen* its ill-workings that she renounces it, from no abstract doubts and difficulties, such as would convince any one from without. Happily for her, though born in the bosom of Quakerism, though her father, a strict and so-called ‘plain Friend,’ was always, in her eyes, not only the best Quaker, but the best man she ever knew, and also a conscientious adherent of the system, there were circumstances which preserved her from its dwarfing narrowing control over the youthful mind. Mothers commonly give the direction to a child’s first thoughts, and her mother was a Quaker more from lineage, and reverence, and love for her husband, than conviction; there was an evident rebellion in her mind against the system’s most characteristic features. No strict Quaker mother—one who thinks Quakerism essential to the highest development of Christianity, would give her daughters what is popularly meant by a good education. What in the phraseology of the sect is technically called a ‘standard-bearer of the Society,’ should be trained, as they used to train young Abbesses, from babyhood, for her calling. While yet a child, our authoress had glimmerings and misgivings from which she might have been preserved for years, perhaps, always under stricter and more vigilant management, and which were the germ of her mature doubts and subsequent decision against the system. The family on both sides were distinguished; an ancestor of her father’s relinquished an earldom in the persecutions of Charles II.’s reign, and retired to Ireland; her mother’s family, of high intellectual pretensions, came from England also, at a later period; and she confesses to being ‘proud of her descent from the noble and the good,’ suggesting that the sacrifices her forefathers made for mental freedom may have influenced their descendant in her struggle for liberty of thought and action. In spite of the persecutions of a former age, the family was wealthy and prosperous:—

‘ My father was a wealthy merchant, and an extensive landed proprietor. Our dwelling, a short distance from town, stood in a lawn, of about ten acres. The garden was large, and, as well as the conservatories and shrubberies, was always kept in complete and most elegant order. My mother had her chariot; we girls had a handsome open barouche; for my father’s use there was a stanhope; and there was a jaunting car for everybody. There were seldom less than six horses in the stable, and often more; for my brothers were fond of riding, and were first-rate horsemen. . . . My childhood was a very happy one. Six brothers and sisters of us sported about our beautiful lawns, and, surrounded with every conceivable luxury, with which my mother’s care and exquisite taste had embellished our home, we were all happy. I well remember how often I thought myself extremely so.’—Pp. 3—5.

She dwells with dutiful pride on her father’s many virtues, and the high estimation in which he stood. The Bishop and

the Dean greeted him with a cordial shake of the hand whenever they met him. He was a learned man, had graduated at Trinity College, and was versed in modern languages, and, withal, was a scrupulously plain Quaker, and an elder of the Society. The first knowledge of her Quakerism came to our authoress in a very natural form—a comment between two orange women on her *dress*. Dress, from first to last, is the subject of Quakerism—the topic from which it is impossible to escape:—

“ I thought you told me that Mrs. Peregrine was rich, and just look at them children, how ugly they are dressed ? ” “ Oh, no ! ” said the other, “ it is not ugly they are, but she is a Quaker, and dresses them pretty and plain, for that is her notion of duty, the cratur.” The oranges were bought, and the fruit-women went away ; but the mysterious connexion between my mother’s duty and our ugly dresses puzzled me. I did not know before that they were so ugly. As I had then no intercourse whatever with “ the people of the world,” I had no idea how other children were attired ; and we were, undoubtedly, the best dressed in our meeting. Our first-day frocks were made of beautifully fine cambric, with rows of herringbone exquisitely worked over each of the six tucks. Our Friends’ bonnets were of the richest and most delicate drab silk ; and our silk tippets to match had a row of stitching over the broad hem instead of plain running. I could not understand why our dresses were called ugly by these poor, shabby, bare-footed women, and after keeping the matter in my mind for weeks, at last I summoned courage, and asked my father himself to explain it. A smile spread itself over his dear grave face, as he said it was quite time I should understand that it was a rule of our Society that we should dress plain. “ But,” he added, “ I do not think it ugly ; and what matter what these poor women think or say ? ” He then explained to me that plainness of speech, behaviour, and apparel, was a cross which Friends were given to bear in the sight of the world, as a testimony against the vain fashions and vanities of life by which others were ensnared and led away. The matter ended there, though I was not satisfied ; nor could I understand it. But it was a great comfort to know that my father did not think it ugly ; and I felt rather elevated at the idea of superiority over the rest of the world, and proud of having a cross to bear.’—P. 6.

Quakerism lays its crosses on the youngest and the weakest. Could not this good father see how unreasonable it was to lay on his six-years’ child the burden of ‘ testifying’ against the whole world on matters utterly beyond its comprehension ? The next ordeal follows quickly upon this first initiation :—

‘ Soon after this, I was sent to a day-school, kept by a lady on the outskirts of the city. She was not a Friend, and the greater number of her pupils were not either ; some few were. I was very strictly charged to remember that I was a Friend ; not to say *you* to any one ; and not to pick up any unfriendly habits or words.

‘ It was a great event to me, and I felt quite elated when mounted on a well-appointed donkey, and attended by the old coachman, carrying my books, I set off for school for the first time. But before I reached the house, I had to endure a great mortification. The rude boys out of the cabins stared at me, shouted, and I distinctly heard them saying, “ Oh, look ! there is a little ‘ thee and thou ’ on a donkey ! ” and, “ Oh ! what a bonnet ! ”

and some of them ran after me the whole way, singing out, "Thee and thou, the Quaker's cow."

' The mistress received me very kindly, but she, too, vexed me ; for I saw her smile at my bonnet, as she untied and placed it on a table among all the other children's straw bonnets. I saw that it was indeed a very ugly thing ; but there was no time to think about it then. I was hurried into the school-room, and formally introduced to my twenty-three fellow-pupils. Oh, how they all looked at me ! They did not say so, but I felt satisfied that they thought me very ugly ; and I almost hated myself for my odious Quaker dress.'—P. 7.

The writer has previously said that there were some 'Friends' already at this school; it is difficult, therefore, to account for her appearance being so strange and new to these children, and in what follows of their first impression of her phraseology; but in our early recollections there are always some difficulties and contradictions.

' But this was only the beginning of my troubles. After a little time, I was desired to learn a task which seemed to me unreasonably difficult ; it was twelve words of two syllable spelling. I looked at it in despair, and then said, " I tell thee, Charlotte, I never could learn such a long lesson." She smiled, and the girls all tittered. I saw they were laughing at me ; and, vexed, mortified, and puzzled to know the cause of my annoyance, I looked about, and seeing the sash of a low window up, which opened into the garden, I sprang out, and ran down the walk, and when quite out of sight, sat down on the grass, and indulged myself with a good hearty fit of crying.

' I was just beginning to get tired of that amusement, when one of the girls, a little older than myself, came and sat down beside me. She looked so pretty, and was so kind and gentle, that she soon wiled me out of my bad temper, and then I asked her why they all laughed at me. " Why," said she, " it was so funny to hear you say Charlotte to Miss Vivier ; and you said—I tell *thee* ; we never heard any one say such a thing before. You may call me Sophy, and you may call all the girls by their names, if you like it, but you must never be so rude as to call Miss Vivier anything but Miss Vivier."

' " But," said I, " I did not mean to be rude, only I am a Friend, and Friends are not allowed to say *Miss* to any one ; and sure thee would not have me be so wicked as to say *you* to any one." —P. 9.

She is next required to perform the 'knee-worship' of a curtsey, on re-entering the room, which she does with a very ill grace, the fear of ridicule influencing her so far as to take the preliminary step, and conscience forbidding her to bend the knee ; the compromise was allowed to pass for that day.

' I was very glad when the time came to go home ; and as the car had been sent for me, I had no more annoyance from the rude boys.

' Mamma met me at the door. She saw the traces of tears, and asked the cause. I told her all. She smiled, and kissed me, and told me not to fret about such things ; that it was no sin at all to say *Miss* or *you* either, or to curtsey ; that, as papa liked us to be Friends, and use the plain language, we must do so among Friends ; but that there was not one word about such things in the Bible.

' " Well then, Mamma," said I, " if it is no sin to say *Miss*, because it is

not forbid in the Bible, it would be no sin to give me a straw bonnet, for that is not in the Bible either, I am sure." Oh ! how fondly I loved her when I saw her dear face smiling again, and she desired me to call back the car, and she would take me to town and buy me a straw bonnet. She did so, and all my vexations ceased. The girls congratulated me next day on my pretty bonnet ; and though my attempted curtsey was still only a full stop, and though I sometimes forgot myself, and said *thee*, yet I felt as if a mountain had fallen off me, and, to my great surprise, I had no pricking of conscience, which I was fearful would have tormented me, as it always did when I told a lie, or stole anything nice out of the closet at home.'—P. 10.

Again it is difficult to reconcile the rigid rules with which the little 'thee and thou' departed for her first entrance into the world, and their easy relaxation at the first moment they were found irksome. Unless, indeed, the mother, who was not a very 'plain friend,' hit upon this mode of carrying out her own plans of education, not objecting to the preliminary exhortation, which might satisfy the father's conscience, and reserving to herself the right of modifying the weight of this 'testimony' which was laid on her daughter's young shoulders. Whether for good or for harm, we consider the ordeal which young and sensitive minds must have to go through in maintaining the testimony of 'plain language and plain apparel' before the world, accounts for the remarkable coolness and absence of diffidence, in what they esteem a good cause, which characterises the females of this community. Having, contrary to all natural instincts, addressed their elders and superiors by their Christian names, and committed similar outrages to the world's notions of reverence and respect, during those young and tender years when the feelings are most keen to good and ill opinion, and to the impression their actions make on others, and successfully combatted the shame which cannot fail to attend this course of conduct, women 'Friends' must be in an excellent state for carrying out their plans and principles, undeterred by the bashful fears and restraining habits of timidity which belong to the less sternly disciplined of their sex. When to this early Spartan education is added the adult training of the meeting, the habits of preaching, 'easing the mind,' yielding to 'concerns for others,' to calls to 'sit with Friends,' and the like, there are no heights certainly of confidence and self-possession to which they may not hope to attain. The travelling woman Friend, 'large in the ministry,' who possesses the crowning distinction of a general pass to visit meetings and families, with the Amazonian glory of a train of men as her instruments and subordinates, must indeed, from our own inferences, and from the facts recorded in this volume, be a very consummate personage, the glory as well as the result of the system that has reared her; and from such a career our authoress was perhaps withheld and preserved by her mother's

concessions at this critical period of life; and through the ‘straw ‘bonnet,’ ‘the curtsey,’ ‘the *you*;’ which, though small things, in fact involve the whole question of Quakerism, the precious testimony of plainness of speech, behaviour, and apparel; as is proved in another part of the volume, where we find such conduct on the part of mothers thus solemnly dealt with, at the Dublin yearly meeting :—

‘One said “She was oppressed by witnessing the inroads of the enemy; that she felt very bold to say, the responsibility that rested with mothers was very great. They ought to force obedience on their families; but, alas! alas! she feared that too often they had opened the door for further departure, by putting straw bonnets on their dear children. She was willing to believe they had unintentionally erred, by entertaining the fallacious notion that for young children it was a matter of small moment.”’—P. 150.

In the matter of speech they are as watchful against inroads. It is one main objection against learning the French language, that the pupils are tempted to use the words, *Monsieur* and *Madame*: ‘there was great danger in it; it was insidious.’ The same was given as a reason against trading with shops kept by people of the world: there was a temptation to depart from the plain language. And the writer’s mother, the most liberal of Friends, drew upon herself the reprobation of persons in authority in the society, by joining a committee at which the bishop’s lady presided, and having to hear the words read out by her,—‘Ladies met, May 13, 1837,—which was a forsaking of their testimony against the heathen names of the days and months of the year. ‘Friends had best stay quietly away from mixings up.’ It was a deplorable truth that the young people were becoming unguarded. It was no uncommon thing to hear them say ‘you,’ and ‘ma’am.’

As years went on, she was removed from the day-school and subsequent home teaching to the ‘School for the Daughters of Friends,’ a very strict affair indeed; but the relaxations she had been allowed in at home disinclined her for any but an external obedience to Sister Betsey’s (the mistress) enforcement of rigid plainness. It is painful to contemplate the temptations to hypocrisy and deceit to which these poor girls were exposed by the absurd bigotted preciseness of this pattern Friend. The road to her favour lay in the adoption to the utmost of all restrictions imposed on their dress and other matters. Our authoress was set at once upon a reformation of her wardrobe—deemed tolerably orthodox at home, but shocking the superior sanctity of Sister Betsey. Hems were to be narrowed, ribbon-bindings ripped off, before she was allowed even to study with the other girls; and when she murmured to one of her more accessible companions at what she did not scruple to treat as absurdities, she was enlight-

ened in the politics of the scene,—how that it was better not to grumble, as such and such girls always repeated such things to Sister Betsey, and that, after all, it did not matter; for, said the light-hearted girl, ‘in a year or two it will all be over, and then I’ll go home, and I’ll get a straw bonnet, and I’ll put red ribbons on it.’ The following passage not only illustrates what we have said on the deceit engendered by the system, but brings out another point in which she had reason to be deeply indebted to her mother. That children should be forbid to *kneel*—that the nature of childhood should be so little understood as to confine them arbitrarily to abstract meditation—shows a bigotry so stupid, so utter a want of sympathy, as surpasses all powers of belief.

‘There were two of the girls given to preaching: these two prime pets of Sister Betsey plagued me sadly. My hair was long: oh! what concerns Eliza Morland had, that I should not only have it cropped off like her own, but that, influenced by her persuasion, I should ask permission to have it done. She said “it would be an acceptable sacrifice.” Then my boots: there was a tassel on my boots, which caused great mental concern to both Eliza and Anne. They entreated me to cut off the Babylonish ornament, and told me “I would have peace in so doing.” Another thing disturbed these righteous girls, as Sister Betsey once called them to me; that was, that, before getting into bed, I knelt to repeat the Lord’s Prayer, as my mother had ever taught me to do. There was not one of all the forty girls but myself had been so habituated. Eliza and Anne remonstrated with me on this, which they called a Popish practice; and because I paid no regard to their preachings, they went and told Sister Betsey, and she forbid me to kneel. She said that it was too solemn an act for any one but an appointed minister of our Society, and wholly unbecoming in one so far from righteousness as I was.’

‘We were regularly marched out to walk every fine day. Two and two, a long string of us paraded through the town; and the same way to meetings. If the streets were wet, as, indeed, they generally were, and dirty too, in winter, we were all obliged to wear pattens. What a clatter we made! Unaccustomed to the use of them, I begged to go without, but was told “my request was the fruit of a corrupt inclination”; so of course I mounted them like the others, and tottered off. The first attempt, my ankle turned. As soon as that got well, I was compelled to mount upon them again, and again I fell; and this happened so often, and so often I limped into meeting, that at last I gained my point, and the abominable pattens were given to another. . . . One of our girls used to make for herself and wear most enormous pockets. “Jane,” said I “is it to be thought pious, thou hast such big pockets?” She laughed. “Yes,” said she, “Sister Betsey does think them more Friendly than thy little scraps of things; but they are very convenient. Look what I have in them now.” I looked, and saw a good-sized book: it was Ivanhoe. “I can always borrow a book when I go to dine with my cousin, on first-day,” said Jane; “if thou wilt write out my French exercise for me, I will let thee read it.”—P. 48.

We regret to say that our authoress confesses to having gladly agreed to this arrangement, and intensely enjoyed the sweet stolen waters, wrote more French exercises, and, through the

medium of the 'Friendly' pockets, read more of Walter Scott, carrying on her perusal under cover of 'Sarah Grubb's Journal,' which was popped over the forbidden volume when any one came in sight; and all this passed under the strictest of Quaker garbs; and the compulsory attention to these annoying and irritating requirements, no doubt, justified these girls to themselves and to each other in this violation of honesty and truth. Our friend, however, had never professed more than a forced acquiescence, and in leaving school received only a qualified measure of approbation from Sister Betsey.

'However, we parted quite friendly : she kissed me, and said that, though I had been always obdurate, she loved me for my father's sake ; that I had made such good progress in my studies, she trusted she might yet see me devoting my abilities to the good of the Society ; that she considered me quite qualified to become clerk to a monthly meeting—yes, to the yearly meeting. No commendation could be more flattering than this. The pious girls, who were always doing mean things to worm themselves into her favour, were amazed ; and I departed laughing and triumphant.'—P. 56.

Previous to leaving home for the 'Friends' School,' our authoress had begun to attend the monthly meeting, where the women meet alone. It is a rule of the Society that the proceedings of these meetings should not be spoken of out of doors ; therefore our young novice transgressed an important regulation, for which she was reproved by her governess, in taking notes of what had passed. She shows a premature proficiency of memory in this difficult art, and, we should also say, a more lively sense of the absurdities she heard than was consistent with edification. But we must admit that the first address, the opening of the meeting, was not likely to be lost on an acute mind, and must have been a rude shock to the most teachable spirit not destitute of intelligence. Seventy women, exclusive of the younger members, assembled, and after sitting in silence about ten minutes, a minister (we must remind our readers that in this work a minister almost always means a woman) arose, and, after standing still for a couple of minutes, said :—

'Silence had been the covering of her mind ; that she had desired to remain in silence, but felt that she could not have peace and keep her peace ; that she felt the language was going forth—Come out, come out, come out of her, my people. Oh ! that there might be a coming out ! Then peace would flow as a river, and righteousness as the waves of the sea.'—P. 29.

After some routine business, the 'ten queries' out of the printed book of minutes were read by the overseer, to each of which an answer is required :

'There are always some exceptions made in the answer to the query as to Friends maintaining plainness of speech, behaviour, and apparel. It appears to be the most important of all the dogmas of our society ; at least

there is always more preaching about it, and a stricter scrutiny into the answer given, than on any other point. On the present occasion, our minister, who had opened the meeting, spoke on the subject, in the most awfully solemn voice, and clutching a firm hold of the back of the seat near her, much as follows:—"If we were more careful to attend to the little things—to give up the little things—to make the little sacrifices, oh, how different we should be! Oh, my dear friends, my sisters! I did not wish to speak amongst you this day; but I feel that I am called on. Oh, dear friends, let us be faithful to those precious testimonies which are given us to bear; let us be faithful! Now is the time; now is the acceptable time; the Lord's controversy is against those vanities and corruptions with which so many amongst us are led away. Those Babylonish garments! Oh, my dear young friends! you will not find a better way! Come now, I entreat you, in much love; I entreat you to cast away those outward adornings—those frills, those plaited frills; they are a snare unto you. Now is the time; cast those vanities hence, and ye shall find peace and joy; yea, ye shall be as standard-bearers, raised up in the midst of a faithless and perverse generation, to uphold those precious testimonies which our worthy predecessors were, in best wisdom, enabled to give forth."

This solemn address caused a feeling of deep awe, and a prolonged silence, which was broken by a younger Friend. It was her first attempt, I believe, at preaching. (She has since joined the White Friends.) She was of a very plain countenance, and studiously plain in her dress. She rose slowly, grasped the back of the seat before her, and stood trembling and greatly agitated. At last, in very broken accents, she said, a concern had long rested on her mind, that Friends should 'walk close;' that she was jealous for her dear sisters; that she wished they could see it right to wear plaits in their bonnets instead of gathers; that she hoped no one would think this a trifle; it was by trifles people fell; and that it was under a feeling of great weight that she was made willing to say a few words.

Then we had another long silence, during which glances were exchanged which told plainly enough that some of the assembly did not quite relish this last address. However, nothing was said, and the clerk again went on with the queries. "Is there amongst you any growth in the truth?" The overseer made answer, "We believe there is amongst us a growth in the truth." She sat down; and soon a minister rose, and said, she did fear it would hardly be right to use so strong a word as "believe;" she thought the word "trust" would be more suitable. An elder shortly after remarked, that she would be glad Friends would allow the word "believe" to remain; she did not think it was too strong. Another Friend, after two minutes' pause, thought "trust" would be preferable, on which the Friend who first suggested the alteration rose again, and said, she was quite willing Friends should use the word "believe," if they thought it best. She then resumed her seat, with rather an offended-dignity air. A very long silence now came on, and then the clerk got up, and said, she would be glad Friends would say which word was to be inserted as the answer. She got no reply for a long time. At length a very intelligent, nice-looking Friend, who sat far away from the table, rose, and in a clear, steady voice, said, 'I would suggest the word hope; perhaps it would meet the case.' The moment she sat down—(for not being one of those accustomed to speak in meetings, and having, moreover, an unhemmed shawl on, with a collar of the most delicate fabric, no regard is ever paid to what such a one may say)—the first objector stood up, and ordered the clerk, somewhat peremptorily, to insert the very word at which she herself had first cavilled; and then, after sitting down, whilst the clerk took up the pen to obey her, she again rose, and with an extra attempt at solemnity, spoke as follows:—"It is an awful thing for one who is not of the called, to presume to touch the ark. For

so doing, Uzzah perished ; and so let all thine enemies perish, oh Lord ! These are solemn meetings ; and my soul trembleth within me. Oh, it is a very solemn thing to speak in meetings of discipline, to keep down the willings and the runnings. To be willing to sit still, this is what the Lord requires of us ; this controversy is against the willings and the runnings. We must come down—come down. It is very painful to me to be called on to speak in this manner, but I dare not withhold ; and I feel I am made willing to submit to the requirings of the life within." —P. 31.

Women, it is always said, are essentially conservative. They find themselves in a religious system, and take for granted it is a right one. They accept theories and general principles without controversy, but attach themselves to, and act upon, things as they find them. It is not their vocation to ferret out fallacies and anomalies. They are practical, and see things in a practical point of view. The women we read of in this book find themselves Quakers, and their aim, therefore, is to work out and to preserve such Quakerism as they see, not at all to reform it on the model of William Penn and George Fox. In this point of view it must be granted, we think, that they are right in laying such stress on the plain apparel, because it is, in fact, the bond of Quakerism, and because it is not doctrine, at the present day, but dress, which makes the orthodox Quaker. Therefore, it is not a ridiculous puerility, but an important truth, to assert that a mother commits a grave error in putting a straw bonnet on her little child's head ; it weakens the hold of Quakerism on that child's mind perhaps for ever. They are right and justified, as well as wise in their generation, in making plaits and gathers fundamental points, in denouncing broad hems, and ' side combs,' as iniquities, *if* Quakerism is true, if it is to be maintained and to live. They do not go into this question, which is settled for them, and which they take for granted ; and therein *alone* lies their error. Warped as their minds have early been, and wedded to a puerile system, their hearts are set on maintaining it, and for this object they have unquestionably hit upon the right way. Quakerism is sustained by women ; they are its ' standard-bearers,' of whom we so often hear. The men, as a body, cannot, from their hearts, go on stickling for hats and bonnets ; but they are only the less religious for the indifference. It is better to think to please the Supreme Being by wearing a particular shaped head-dress and imposing it, unchanged, on our children from generation to generation—to believe this garb the guide and path to perfection—the helmet, in their eyes, of salvation—than to be regardless of pleasing Him at all. It is better to preach and enforce these absurdities, than to be dead altogether to the subject of religion.

And it must be confessed that their success in this strange cause is very remarkable. In seasons of enthusiasm it is easy to persuade women to any amount of sacrifice on the subject of

dress. Savonarola made bonfires of the magnificent dresses the Florentine ladies brought him in their penitence. The followers of John Wesley were, for a time, almost as plain as Quakeresses themselves. But as the enthusiasm in these cases subsided, Wesleyan women, with all but an occasional exception, have returned to the fashion of their day. The Quakers, on the contrary, while they have degenerated from enthusiasts to formalists, yet keep their attire in its primitive simplicity—a proud testimony to the zeal of their ministry and the wisdom of their method of enforcing their cherished observances. The superior success of female advocacy for plainness of apparel seems to arise from two causes. Women have had a less exalted aim in view, and have been more vigilant and practical in carrying out their injunctions, such as they are. The male reformers we have mentioned knew little of the details of the finery they denounced; they were indifferent because ignorant of the distinctions of ‘plaits and gathers;’ they sought to put down the paraphernalia of fine clothes; they enjoined simplicity of dress instead, but never defined in what this simplicity consisted, or not with the knowledge which women could bring to a subject so congenial to their natures; and so when the *heart* of their female followers lapsed to a concern for personal decoration; a hundred loop-holes were found for the passion to creep in; one thing after another could be adopted, and the letter of no law invaded; and the influence of the preacher over externals existed little longer than his hold over the heart and conscience. The women advocates seem to think very little of the *heart* in the affair, or of the real use of simplicity of dress. They regard their attire as an ensign of their sect and a ‘testimony;’ but they do not desire to quench all thought about the subject; their object solely is to keep one pattern of garb unaltered, and within those limits they permit an unbounded expenditure of time, thought, and money. They regard the introduction of a new stitch where no stitch was before, as jealously, and with much the same feeling as an orthodox Churchman an interpolation into the Canon of Scripture; but the love of dress is all the while permitted and encouraged, so much so that the profession of plain Quakerism implies a large expenditure in clothes, which are to be frequently renewed, and of the best qualities. The women preachers have their rich silk gowns, in emulation of our popular divines, and the present volume assures us that in the yearly meetings—great gatherings from all parts—‘plain Friends’ make a point of having a separate new suit for each day that the meeting lasts.

The love of dress is indeed encouraged by arbitrary restrictions and too rigid a control. The child, forbidden the luxury of pink and blue, frills and sashes, which at least help to educate

the taste, takes a secret morbid delight in insignificant points of superiority over its companions. Quakerism forbids grace of form or beauty of colour; the passion seems extinguished for want of aliment; but lo! it fastens on a broader hem, a hidden tassel, a softer shade of drab; and the poor, cramped, little mind which would forget its red ribbons, ruminates in apprehensive, bashful, but absorbed contemplation on these minute distinctions. And this is not confined to the sect of which we have these revelations: in every family where ultra plainness in dress is enforced, and all conformity to the fashion of the day forbidden, where the rigid heads will sourly stigmatise every youthful taste or ebullition of fancy as a vanity or a sin, the same may be observed; and we have been assured that nowhere is dress more in the secret thoughts, the worst and most impregnable place for the subject to take up its abode, than where the daughters of the house are not permitted a free opinion or will on the subject, and would be afraid before their father or mother (who, instead of directing their taste and judgment, seek to quench the instinct altogether) to express any shadow of concern on the matter.

The way to give the subject its due consideration, and no more than its due, is to assume the garb of the day according to our own state in it; and then, without any direct study, our dress will be characteristic, as it always should be, of our qualities and condition. The dress of children, lighter and freer, and showing the form, should represent innocence; that of the young, purity and vigour; of middle age, gravity and authority; of old age, reverence and serene decay; and the fashion of each day may, under the instincts which direct a right mind in such matters, be made subservient to these ends. There is enough good sense in every period to dress its 'seven ages' with propriety, if each keeps its place and does not transgress its appointed limits. For we are assured the way to think little of ourselves, and of dress as part of ourselves, is to observe *no* peculiarities; for every peculiarity implies a particular direction of the thoughts, and has the tendency, at least, to produce consciousness in the wearer. Quakerism goes contrary to all those natural laws and instincts we have laid down; it confounds all ages, and, as far as it can, exhibits a desire that men and women had been born into the world with precisely the same square-cut, strongly-marked visages, into which it is in the power of its costume and its tenets combined, after a given time, to chisel the human face divine.

But to return, it is clear that women are the best advocates and enforcers of 'plainness,' not only for the reasons assigned, but from their being able to sustain the subject to any length in full severity of treatment, and without the intrusion of counter motives, and a lighter vein of thought, which will step in when the opposite sex ventures to take up the important theme, sometimes causing a discussion which begins well, in a solemn sermon,

to end in a skirmish of compliment and wit. It is clear that women are induced and persuaded to renounce the instinct of their nature, a taste for personal adornment, by the promise of a compensation. If they will give up curls and frills, they shall sit in the high places of the meeting, and rule and govern the society. The contest between these two engines of power is often a severe one. If a woman wishes to preach, she must be 'plain' and make narrow the borders of her garments; and then, if she has courage and wit enough, she can carry all before her, and rule the men, as a body, with an iron hand. But there is a softer, more individual control, which she feels she must renounce, if influence and ambition are her choice, and the pleasure of ranting or prosing unrestrained, amid the hard, forbidding, middle-aged ministers in the 'gallery,' may seem cold and dull to the youthful maiden who furtively braids her long tresses, and sees how well they become her. It is sad to think of the conflict going on within in one of these unwilling, unconvinced victims of a system, and greatly must her mind be perplexed. Is she led by vanity, or common sense? It is an evil influence, or good taste, which makes her loathe the 'odious' cap. Why does she let her mind rest upon trifles? But if the hair is a trifle, so is the cap; and why should others torment her with trifles? How well she looks, how like other people, how natural; but how *unlike* a minister, a standard-bearer. The desire to become either fades before the vision presented in the mirror; the preliminary degrees of 'clerk' and 'overseer' lose their attraction; and she resigns herself to be 'a concern' to Friends, who are resolved to concern themselves about her, well knowing there will always be some to sympathise, and in their hearts like her all the better for her contumacy. The suitable combatant against this train of thought and its natural conclusions is a woman, not a man-advocate. The present volume contains one instance of the all-important subject being taken up and dealt with in detail by men, and it ended in signal defeat of one of them; he could not resist the lively good sense of a young, attractive girl. Two female 'overseers,' sent to 'sit with' the delinquent, would have received the defence in a different spirit—they would not have been accessible to a style of eloquence resorted to with confidence in other circumstances.

' Benjamin Siblliman, a minister in great esteem in England, accompanied by the companion appointed to watch over him, paid us a family visit. He had what is called a very weighty concern in our little circle. We were all, with two Friends, our guests at the time, assembled in the large drawing-room. The Friends shook hands with us all round, said What a fine day, What a pleasant situation we lived in, &c. &c. and then sat down in silence for about ten minutes: Friend Benjamin repeatedly drawing out his handkerchief, and applying it to his eyes and nose, and sighing deeply; by which we knew he was labouring under great weight of spiritual burden,

and that caused us to feel a kind of creeping solemnity in expectation of what was coming. At length he spoke, still sitting in his easy chair; (Friends do not ever stand up to speak in family visits,)—he told us that he felt great love for us,—that he greatly wished us to be blessed in the Lord,—that every member of our large and interesting family ought to be “standard-bearers” in our highly-favoured society,—that the Lord was only waiting for us to be willing,—that if we would yield to the requirings of the truth, and come down to that lowly state which was comparable to Mary in the Gospel, who anointed the Saviour’s feet, we should experience a lifting up, and be made the honoured instruments of upholding the principles of our worthy predecessors, some of whom had even suffered martyrdom for the precious cause.’

He pursued this strain for half-an-hour, and then knelt down to prayer, the rest of the company standing; for the attitude of *kneeling* seems to be considered ministerial, and confined by the plain Friends to that order—for an order it is. The prayer throws light on the cause of the visit, which had been left in obscurity by the sermon. The eldest daughter’s ‘vain fashion of wearing curls and plaiting her hair,’ are in fact the cause of the ‘weighty concern,’ the ‘spiritual burden’ of the English minister. He prayed that the dear eldest daughter might be so tendered by a feeling of contrition as to be made willing to give up these outward adornments, that she might feel the great responsibility resting upon her. This spirited young lady, whose charm of manner and appearance are elsewhere alluded to, and whose common sense seems to have often stood the family in good stead, was so little affected by this address, that after Benjamin had once more blown his nose and wiped his eyes and shaken hands as a signal that his part was concluded, she thus sets down in full confidence of victory the ‘companion’ who takes up the attack:—

‘ Abraham, the companion, was an old acquaintance, and told us that Benjamin’s concern was much greater in our family than it had been in any other in the town. This was a compliment. It intimated that we were of consequence in the eyes of the English minister; and Abraham quietly said to the eldest daughter, “Now my dear, won’t thee put on caps? Thy hair is indeed very beautiful; but it would look so neat if braided under a small cap. I would like thee better with a cap on, even than I do without. And then these little frills and ornaments,—do, my dear young friend, give them up, they are only vain adornments.”

“ Well now, Aby,” she replied, “listen to me. In the first place, I do not want thee to like me better than thee does;” and she smiled archly on the good-natured old man—“thee can’t help liking me. In the second place, my time is far too valuable to be spent making caps, and wasted day after day, clap-starching them. Besides it was He who made me, who gave me my hair; and I am not so ungrateful as to hide it under a cap, as if I was ashamed of it. The Scripture commands me to adorn myself in modest apparel, not to disfigure myself in an unbecoming sectarian garb. Friend Benjamin has delivered his mind. Thee never was very clever at preaching, my good friend Aby; so shake hands with me now, and I promise thee the sins of my dress will not be laid at thy door.”

“ Ah! ” replied Aby, “ thee is a mighty pleasant young woman; and I

do think thee is wiser than many of us, for all thee is not so consistent as I wish thee was." —P. 121.

It had been expected from the father of these young ladies by Friends generally, and by one Sarah Mills, who held both men's and women's meetings under her guidance, in particular, that his daughters should have been amongst those who took an active part in the discipline. She wrote innumerable letters to him on the subject, urging him to use coercion. In her own family 'she had found that a firm decisive manner was very effective. Even her dear son-in-law was obedient to her in everything she could wish.' The cause of all these letters and different attacks was that the obstinate daughters persisted in wearing '*tortoiseshell side-combs*.' the general style of their raiment was alluded to, but these were the specified sin. Many combatants prefer bringing a quarrel into a narrow compass, and putting the case in a nutshell. It condenses a question, gives them a grasp of it, makes it more manageable, and arrays our antipathies in close martial order. To Sarah Mills's mind, the cause of Quakerism lay in these '*side-combs*.' Every party in controversial times is apt to bring things to as close quarters, and to stake their cause on a point which in more dispassionate moments they may be brought to see does not contain the whole gist of the matter—that may be won, and they not triumphant; or lost, and the cause in the long run come to no harm.

But the young people, though thus under surveillance, indemnify themselves in their own way. It is sad to think with how little thought of *edification* they are trained. This writer gives many remarkable instances of the glaring ignorance of Scripture, and all religious teaching which the pupils of Quaker schools betray, even where well-taught in other things; and when we consider that they never hear the Bible, and seldom the voice of prayer in their meetings, as well as the vain babblings with which the long silences of their assemblies are interspersed, no amount of stolid indifference on the subject of religion need surprise us. There is indeed nothing for them to do or to think of. One or two formal observances attended to, and the rest,—doctrine and practice,—seems to be expected, as a matter of course, to follow from them. We have an account of one English meeting, frequented especially by young people, which the writer attended for months, where the gallery was exclusively occupied by a female preacher, whose 'gifts were very small,' and an old man, whose value lay in a venerable orthodox appearance:—

' Sabbath after sabbath, these young people sat in that meeting-house, without hearing one word to enlighten their understandings, or to teach them how to attain salvation, or to worship God aright. The old man, after making divers twitchings and contortions, indicative of a determined resistance to the somniferous influence of the silent meeting, would in-

variably yield to it. It was almost impossible for any one present to avoid looking at him, as he sat directly raised up in front of us ; his head bobbing from side to side, first very gently, then as the sleep grew deeper, down it would sink lower and lower, until at last one great drop down would rouse him up, to open his eyes, and look about him, in a kind of wild way, as if he would say to the bright young eyes he saw gazing up to him—" How dare you think I would go to sleep in meeting?" He was generally roused to break up meeting, by the ringing of the church bell, which was very conveniently timed to do so. But on one occasion, even that did not wake him—he slept soundly ; and the meeting sat on, wearily watching his awaking. Half an hour longer than usual, sitting in a silent Quaker meeting, is no small trial of patient endurance. At last it became unbearable, and a man Friend, sitting in the middle of the meeting, shuffled his feet about, and making a noise, rose up to depart. This example was followed by all the rest ; and the sleeper awoke to find meeting broken up, without his usual shake-hands. He was very angry about it ; and his sons, tall, stalwart men, threatened to chastise the individual who had infringed on their father's prerogative.'—Pp. 271, 272.

The following instance of thought for the welfare of their younger members, rather favourably contrasts with the tenor of the work generally on this point, and at the same time illustrates our remark. William Abbenger, while travelling the nation with a certificate from the London Meeting, comes to her father's house, where he stays a week, and interests and pleases them much by his intelligent general conversation. The 'first-day morning' he requests the mistress of the house to assemble all the young 'Friends' of that locality at tea that evening, that he may address them less formally than he could in the meeting-house. This request was gladly agreed to, the age of the guests being limited to young persons under twenty-one. The daughters of the house were commissioned to give the invitations :—

' Friends' Meeting-houses are well designated. They are, indeed, places for meeting together, shaking hands, chatting, and communicating all sorts of interesting family and society news ; and it is possible that during the time they all sit down in silence, many are striving hard to meditate on the things concerning their souls ; but the Lord has declared, " My house shall be called the house of prayer." In the Friends' meeting-house prayer is very seldom heard. Year after year will pass over, and not one solitary prayer be audibly offered in many of them.

' It was to meeting, and to meet our friends we went, and great amusement we had in executing Friend William's wishes. " Mary, I can't ask thee to come ; thee is over the allowed age, is not thee?" to a young lady of twenty-one and a half. " Rebecca," to another who looked sixty, " I do not exactly know thy age, but if thou art not over twenty-one, Friend Abbenger has a concern to address thee at tea. May I say thee will come?"

" Oh, certainly, my dear!"

" Susanna, how old art thou?"

" I am not going to tell thee."

" Oh ! very well, but I can't ask thee to the English Friend's great tea, unless thee tells me."

" Why?"

" No one is to be let come, who is more than twenty-one."

" Oh ! well, I'll come ; I'm nineteen."

- “ Ah, Susanna ! I do think thee is ten years more than that.”
- “ Oh, yes ! I'll come, it is this odious bonnet that makes me look old.”
- “ James, I am sorry I can't ask thee to our great tea party this evening.”
- “ And why, pray, can thee not ? My sisters have just told me they are going.”
- “ Oh, yes ! they are young enough. The English Friend has specified twenty-one as the oldest that he wishes for. Thee is long past that, thee knows.”
- “ Nonsense ! I am seventeen.”
- “ No, James, thee cannot deceive me. I remember those nice black whiskers of thine these many years past.”
- “ Oh, yes ! but does not thee know that I am a *Iusus naturæ*? ” —P. 132.

The party assembled to the number of eighty, and Friend Abbenger addressed them on the importance of religion, the value of the soul, the uncertainty of life, the necessity for dedication of heart, the high profession which Friends make of inspiration, and the privileges which they enjoyed as members of a chosen, a peculiar people. The mother's comments afterwards are worth recording :—

“ My mother's remark made a great impression on my mind. She said, ‘ I was greatly disappointed in Friend Abbenger's address. I do think our ministers will have a great deal to answer for, they all neglect their opportunities of preaching the Gospel so sadly. Here were eighty immortal souls listening with as much attention as if an angel from heaven was speaking to them. Why did he not tell them they were sinners, and must be washed in the blood of the Lord Jesus, if they would be saved ? Why did he not tell them to read their Bibles, and to pray that the Holy Spirit might enable them to understand its truths ? Instead of this, he was puffing them up with the false idea that they were superior to other denominations of Christians. Our high professions :—our highly privileged society :—our chosen and peculiar people. Our profession is the Christian religion :—nothing more nor higher than that of all the Reformed Churches. The highest privilege a mortal can have, is to be allowed access to God in prayer through Christ. This is certainly not peculiar to our society. The privilege he meant, of being allowed to attend our monthly meetings, is unworthy a preacher's notice. If our ministers knew themselves, that the only way in which a soul can be saved is by faith in the Lord Jesus, and if they really felt in their hearts this truth, I am sure they would preach it simply and savingly.’ ” —P. 134.

It will hardly be anticipated by theorists, what, however, this book seems to make evident, that when the two sexes are fairly tested, men can and do preach longer sermons than women. Most of the women's sermons are short ones. They exhibit an inability to go on beyond a certain length, and a weakness in coming to an end when they have really nothing more to say : though how long those females very large in the exercise of their gift can keep up their flow, is not exactly stated. All those sermons specified as an hour long are by men, which we record with gratification as a test of our superiority in an art in which the weaker sex has so few opportunities of public rivalry. On the other hand, this moderation may be one reason for the resignation of the Society to their almost exclusive ministry. As far as we can gather,

and with the one exception of John Earl, or, as he in one place is called, *John Joseph*, the brother of the celebrated Elizabeth Stately, whom she pronounces the best preacher of the society, this seems to us the only point of our superiority—the recorded sermons of the men Friends are to the full as ridiculous as those of the females—their tendency to the full as great of speaking for the easing of their own minds, rather than for the edification of others, and this at greater length. It was a *man* Friend, the great American minister, who began, ‘There was once an old horse, and he had a sore leg.’ It was a venerable patriarchal old man who thus commenced,—‘Good-morrow morning, my fine first-day morning Gallery bucks; what brings you here to-day? a light heart and a thin pair of breeches will carry you through, my brave boys.’ And in one instance the long, masculine, drony inspiration has to be interpreted each ‘first-day’ into sense, by a five minutes resumée from female lips.

The sermons given by our authoress at any length, are, however, by women, from the circumstance of their being often spoken at the female monthly meetings. One we must extract, with the previous notice of the preacher:—

‘After this, as if to defy public opinion, the same Martha became more violent in her declamations, more absurd in her choice of topics for discourse; may I not say, more blasphemous in her assumptions of Divine inspiration. And yet, there we sat, Sabbath after Sabbath, year after year, silently listening to these atrocious outpourings of a self-righteous and very conceited fanatic. Upwards of three hundred sensible men and women, solemnly respectful hearers of the rankest nonsense.

‘In our Women’s Monthly Meetings, she was even worse, if possible. The minutest trifle in which she knew of any one disagreeing with her opinion, immediately became the subject of invective. Even her own sisters were not spared. One of them had a taste for collecting shells, spars, minerals, and corals, and one day she placed some choice specimens on the chimney-piece of their common sitting-room. Martha saw, but said nothing to her sister at the time. She gathered up, and nursed her wrath until the next Monthly Meeting, and then poured it out. I fancy I can see her now, as she stood on her elevated platform, her bonnet poking at least six inches over her face, her bosom tightly braced in a dark drab, skinny shawl. Her long arms, swaying round and round in her excitement, and occasionally a stamp of the angry foot. And when, by her very vehemence her breathing failed, she would stop a moment, knit her brows, and drawing her thin lips apart, clench her large black teeth. And what was the subject of this invective? “That people professing the high character of spirituality which belonged to the Society of Friends; that the descendants of those worthy predecessors to whom it was given nobly and boldly to testify against the vanities and corruptions of the world; that such highly favoured ones, should blindly fall into the snare of the devil; that the shining of the light within should be so neglected and disregarded; that occasion should be given to the adversary to reproach the true seed, by the specious notion, that it was no harm to indulge a taste for the beauties of nature, by collecting spars, and shells, and corals. Oh! it was a specious device of the arch enemy: first, they are looked at, and admired; then they are bought, and the eye gratified with their shining colours. And Satan won’t stop

there. Oh! no; then they are put on the chimney-piece, and the attention is distracted from its holy meditations ; then the enemy triumphs, and the soul is lost—lost for ever." She assured us that it was entirely without her own will that she spoke thus; but that the call was so decided, that she dare not be unfaithful, or peril her own peace by keeping silence.'—Pp. 80—82.

We have but one example given us of the effect of Quaker preaching on the poor, and that is not encouraging, though the experiment is tried by the great English party of preachers. We gather from this volume that the Society of Friends is a very large one in Ireland—but apparently confined to the rich middle ranks of life, who probably find in the comforts and refinements of their own homes an indemnification for the loss of all that ministers to taste and feeling in their religion. The privations of Quakerism to the very poor would make life too forlorn and destitute; we do not wonder, therefore, that there are none of this class amongst them. One attempt at preaching, (not proselytising) is mentioned, where Elizabeth Stately and her train arrive at a town in Ireland, and distribute papers desiring the attendance of the public. Our authoress was present on the occasion. We do not wonder at the perplexity of the visitors, considering to what a different scene their ideas of worship and devotion are allied :—

' There were about two hundred people who came to the meeting. Not being accustomed to sitting down in silence, it was no wonder they could not understand its being necessary to do so; and John Earl at last rose up on the platform, and explained the necessity of silence being observed. Whilst he was speaking they were quiet, but as soon as he ceased the chatter began again.

" What did they bring us here for?" said one.

" Faix, I don't know," was the answer. " Maybe the decent people are going to treat us genteelly."

" Whist with you!" called a loud voice; " Didn't the gentleman tell you to sit quiet, like the Quakers themselves. Ye'll give a bad impression to the strangers, I'm thinking, of your politeness."

" And isn't it yourself is making the noise, now?" said another.

" Arrah, now, isn't that too bad? and I only teaching you manners," he answered.

" After repeated efforts to obtain silence, in vain, one of the women Friends rose up, and in her soft, sweet voice, addressed them on the value of the soul, the need of a Saviour, the uncertainty of life, the value of the Bible. When she resumed her seat, I was just wondering whether the Quaker phraseology in which her ideas were shrouded, would be understood by such an assembly, when I heard a voice close by me audibly whispering—

" She is a fine portly woman, God bless her. I wish somebody would insense me into the meaning of what she was trying to say."

" I'll tell you," said another voice. " The decent woman says she has her eye on you, and that you are a big blackguard, and that you are going hot-foot to hell; and she does be crying her eyes out about you and two or three other boys that's going the same way."

" Oh, then!" answered the first speaker, " isn't she a knowledgeable creature? She knows more about me than ever I knew about myself. You

are clever at the talk, Tom,—will you go and tell her that I'm obliged for the good opinion she has of me? and tell her she need not be troubling herself about me, for Father Kelly is my own first cousin; and if I am sent there itself, he is the boy that will get me out cheap."

' The other two Friends also preached. Excellent good advice they gave; but the multitude of words employed were only suited to those who are initiated into the manner of Quakerism. To the assembled auditory there, they might as well have spoken in Greek.

' When little Elizabeth had spoken with much energy of manner, I overheard the comment on her.

" "Go it little one; but you are a great game hen, for all you are so weenshe. You got it out very brave, and I'll give you my blessing; for you meant to be kind, I see, only you have a queer way of showing it." — P. 163.

It is one of the sayings of the Society that they are a self-denying people. It is taken for granted, as those things sometimes are, without any strict investigation; but, in fact, the leaders of the Society have very little exercise for this virtue. They impose heavy burdens on others, but we do not see any marks of it, in the line, as we see it here exhibited, of those who take the direction of affairs into their own hands, and ought, if the virtue be genuine, to be its most shining examples. On one occasion a woman announced a 'concern to perform the arduous undertaking of visiting meetings in England, and sitting with families as often and wherever truth might open the way.' She had a baby three months old, and five small children, and her husband begged Friends would not sanction so unnatural a proceeding as her leaving them for an unlimited period. His objection was overruled, and she absented herself on this mission for two years. *This* was not self-denial. It was exchanging the monotonous duties of home for scenes of constant change and excitement. Wherever these travelling preachers go, they are entertained in the best style their hosts can afford, and the young men, whose business it is to forward them from place to place, have to pay their expenses. How easy, under these circumstances, to mistake a roving disposition for an inspiration from heaven. The peculiarities of their sect, 'the precious testimonies,'—may have been a trial at one time, and when imposed by others, but now they are their passport and commission. To what heights of self-indulgence persons thus pampered and regarded can reach, this work gives some curious instances, and all the while using the language of self-denial, and the offensive phraseology of an unwillingness to the course they follow, and the 'concerns' and 'evidences' they have to communicate; as if the natural man was always carrying on an ineffectual struggle against the workings of the Spirit. We find described at some length the behaviour and deportment of the great English party in their solemn ministerial progress through the Irish provinces, which would exceed our powers of belief, but that we know

there are literally no bounds to some people's estimate of their own value, and their consequent claims on society. We give the history of their day at the house of the writer's father :—

' This was now first day ; the Friends were to dine with us at three o'clock, and to have a Meeting at seven, to which the town's-people were invited.

' A dozen of our acquaintances were invited to meet the Friends at dinner ; and it fell to my lot to stay from the Morning Meeting, in order to attend to the needful arrangement of this repast, which was as choice and abundant as could be provided on so short a notice. My sister had brought us word the night before, of the honour intended for us.

' The Meeting was over at twelve, as usual ; and at half-past two, up drove the well-known coach, with its important burden. The ladies were soon seated in the drawing-room, the gentlemen strolled into the garden, and the other guests dropped in one after another. Scarcely had the clock struck three, when Friend John said to my mother. " Three, I think, is the hour for dinner ; shall I ring the bell ? " " Oh ! no," she replied ; " some of our Friends have not yet arrived." He sat down for about two minutes, and then began again. " My sister will, I fear, be annoyed ; she quite expected dinner would be ready at three o'clock. We English Friends are accustomed to be punctual to time." " Dinner is quite ready to be served," said my mother ; " but we must wait a few minutes for the guests we have invited to meet you." " Probably they will arrive," he said, " whilst dinner is being placed on the table. With thy permission, I will ring for it." And he rose and walked across the room, and rang the bell. The butler entered. " Let dinner be served," he called out. The man looked amazed, but withdrew. I went down stairs to tell my sister how the matter stood. She countermanded the order ; and fearing that the Friends were hungry and suffering, called one of the " train-young men," and told him to hand them a glass of wine and a biscuit, to enable them to fast for about ten minutes longer. " Ah !" said he, " there is not the slightest occasion ; as soon as ever the Meeting was over, they went home, and called for beef-steak and porter ; they all three eat heartily of that, and jelly besides." Whilst we were speaking, Friend John himself joined us in the dining-room. " Really," said he, " I am annoyed. This want of punctuality is very trying. My sister's convenience is sadly disregarded."

' Ellen at that moment saw the gentlemen we were waiting for, entering the gate ; and at a quarter after three, Friend John and his sister were satisfying the desires of the inner man with much apparent enjoyment. As soon as the cloth had been removed, and the wines and fruits laid on the table, the Friends dropped into the well-known ominous silence, and one after another preached a domestic sermon. Then they regaled on the dessert, and when satisfied, requested to be shown to bed-rooms, where they might " take a lay," to obviate any tendency to drowsiness in the Evening Meeting. The ladies were immediately accommodated ; but we were somewhat surprised when the gentleman required the same for himself. His wants, too, were supplied, even to a night-cap, and a shawl to throw over his shoulders ; but ere he composed himself to sleep, he gave orders that tea and coffee should be ready for his sister at half-past five o'clock.

' It was made ready as he wished ; and then the three resumed their seats on the sofas, gracefully arranging the pillows and stools, and the ample folds of their drab dresses and shawls, so as to form a pleasing *tableau vivant*. There they were served with tea and coffee ; and again we had the satisfaction of thinking their appetites were not impaired. A plate

of bread and butter, cut, as we thought, thin, being handed to the little Elizabeth, she helped herself rather superciliously, and then remarked, "Ah! this may pass with me, but certainly it will not with my sister." One of the young people took the loaf to cut some thinner slices for the important lady; and whilst doing so, Friend John, leaning forward, said, "Dost thou not feel it a privilege to be permitted to cut bread for my sister?" We were all glad when the weary day was over; for though we fully appreciated the honour of having the company, under our own roof, of these celebrated Friends, still our feelings had been tried, by the manner in which they had received our attentions.'—Pp. 170—173.

Nor must the dinner at her uncle's be passed over, who, poor man, had placed himself and his servants at their disposal, and found his house treated very much like an inn:—

'We met again at dinner at my uncle's; he had a very large company assembled in honour of his English guests. At Friends' dinner parties, the fish, soup, and meat are all served together for the first course. We had a boiled Turkey at the head of the table, and a roast loin of veal at the foot; the sides and centre were covered with every variety of food, dressed in the most appetizing forms. After the usual momentary silence, which Friends observe, instead of saying grace, when the covers had been removed, and the viands exposed to view, Friend John turned round to my uncle, and said, "I do wish thou hadst told me what was to be for dinner. My sister always likes turkey to be roast, and veal boiled. This is really very unfortunate." His sister, who always looked greatly pleased when his care for her comforts was openly shown, said, "Yes; and it might have so easily have been done right; however, I have no doubt, I shall be able to manage." By this time we had been somewhat accustomed to their oddities; and having often heard that the English Friends were great boors, we rather watched for these developments, and laughed at them.'—Pp. 174, 175.

Yet even amid such exhibitions of self-indulgence as these, the notion of self-denial was not forgotten. Witness Elizabeth Stateley's complacent address to our authoress and her two sisters, on the occasion of this same dinner, looking back on the time when she, too, loved the world:—

'They soon returned, and said the dear Friend was under a concern to speak to my sisters and myself, apart from the rest of the company. We had been pouring out tea for them, and had not tasted any ourselves; but though my uncle was distressed, that we should be deprived of what all the others were enjoying, it did not trouble us much, and we hastened in to the great Friend, whom we found on the sofa, as usual, in a graceful attitude. She motioned to each of us where to seat ourselves; one to an arm-chair, on which her arm carelessly reposed; another to a spare morsel of the sofa on which she reclined, and me to a footstool close beside her. After a momentary pause, she addressed us in a kind of familiar preaching, and in a low musical voice. She said, we were a lovely and most interesting trio; she did not blame us for our dress being somewhat smarter than that of most young Friends, for she had herself loved dress with an exceeding love. The time was long past now, but there had been a time, when she had revelled in all the gay seductions of fashionable life. She had frequented balls, and theatres, and concerts; she had drained the cup of earthly pleasure, and could assure us that it was all delusive; and that having been enabled to take up her cross, and to surrender to the requirings of the inward

monitor, she had found peace. She had thought it well to tell us these things; for why should we wander on in the enjoyment of the blessings of this life, with which she observed we were surrounded, and not to be told they were fallacious? She told us of her brother's devotion to her—of her brother-in-law's consequence as a member of Parliament—a good deal about the wealth of her family—of the happiness she felt in her own mind because of her Quakerism, and of her devotedness to the service of the Lord. When the address was ended, she presented each of us with a tract, in which her own name was written, as a memento of her visit to Ireland; and said she hoped before long, that we might feel a drawing to attend the London Yearly Meeting.'—Pp. 175—177.

In contrast with this elegance of self-appreciation, we are tempted to give a glimpse of the doings of Friend Flannil, the great American minister, who was commissioned by Friends in America to enlighten the Old World. A glimpse it can only be, for the whole account extends over many pages. He arrived, with his companion, at our author's house before dinner, a spirit of nationality having induced him to travel with the chaise-blinds all up, and consequently in the dark, all the way through a beautiful country. When he was seated in the drawing-room—

'A smothered laugh induced the speakers to look round. Friend Flannil had drawn his chair close to the fire; he had taken off his mocassins, and the view of his very tattered dirty stockings accounted for the laugh. We all became silent, watching what he was going to do. The trowsers were drawn up to the knees, (there were several ladies in the room, our usual Quarterly Meeting guests,) a curious garter, made of the bark of a tree and twine, was thrown down on the rug, and the stockings deliberately taken off, exhibiting to our wondering eyes two of the very dirtiest and biggest feet I had ever beheld. Friend Flannil, perfectly regardless of the presence of any one, held up his feet alternately to the fire, warming and rubbing them, and grumbling that the fire was no good, because it was made of coal instead of wood, as he said it ought be. When the feet were warmed and rubbed enough, he began to look about him, and to talk. "Do you call this living in the country? I am sure I don't." Then to my father—"Art thou married? Are these all thy children?" "Oh! no," he replied; (some of the company were as old, and older than himself;) "these young ones here are mine." "Eugh," said Friend Flannil, "they are very puny. I have three sons, and the lowest of them is six feet three; I guess thou can't match that." An irrepressible laugh ran round the room, and poor papa looked miserable, fearing the stranger would be offended; but Friend Haldwell whispered, "Do not be uneasy; he will never imagine it possible any one would laugh at him."

'Dinner being announced, a considerable delay took place putting on the old stockings, &c. &c. He was invited to go into another room to wash his hands, but positively refused. "What shall we do with him?" asked my mother of Friend Haldwell. "Really," said he, "I do not know; but do what thou wilt, he never thinks of taking offence." She then ordered a basin of water, &c. into the room before us all, and said to him—"Dinner is waiting, and thy hands must be washed—pray be quick." "Eugh," said he, "how mighty particular thou art." However, the ablutions were performed in a kind of way, and then he was requested to walk into the dining-room. He sat still, and looked about, and seeing the butler standing at the door, he called out—"Here, thee! man, bring in the dinner then, can't thee, if it is ready." With a great deal of difficulty he was induced to go into the dining-room, which at last he did, by running past

every one. He was placed at my mother's left hand at table, and the rest of us, twenty-two in number, took our places. Scarce were we seated, when Friend Flannil's tall, awkward form rose; he grasped the salt-cellar, stretched it half-way down the table, and threw it all about. He said, "I hate them buckets of salt. Mother, never put one near me again; mind, I hate salt." He occasionally used his knife and fork, but much more frequently his fingers. He called for coffee, which not being ready, he said, "Go, get it; I'll wait for it; and he went over to the fire, until it was prepared. Then he came back to his seat, and ate fish in his fingers, and drank coffee, scolding, and growling incessantly, and ordering "the Mother" to go get him one thing or another.

'After dinner, Jane Dalton came in, to pay her respects to the American Friend, and to invite him to dine with her mother on first day. She approached him almost with reverence, as a superior being. She said, "My Mother, Mary Dalton—thou hast probably heard her name—sent me to see thee, and to invite thee to dine with us to-morrow, between Meetings. She would wish to become acquainted with thee." "Eugh," said Friend Flannil. "I don't know her, or thee either; nor I don't want to know her; and thee may go back, and tell her that; and I'll not go dine with her; I'll stay with 'the Mother.' Thee may go." Poor Jane!—such a rebuff—from the American Friend, too,—so many present—the ill-concealed laughter—the gaping, grinning servants—my father's look of agony; for he was pained to the heart to see "an inspired minister" so rude to a female.'—Pp. 101—104.

There is one case of a significant character, however, where self-denial was somewhat roughly enjoined, the history of which is not unedifying. At the great yearly meetings it is customary for Friends on the spot hospitably to entertain the strangers who assemble; not an occasion, certainly, for the unusual or excessive practice of abstinence or self-denial, which may be called solitary and unsocial virtues, as hospitality, on the other hand, may be excused a more jovial turn, and the indulgence of some superfluities in its exercise. On one of these occasions, however, a female Friend arose and announced:—

'She did not feel easy to refrain from mentioning a subject that had very seriously rested on her mind; and which she believed to be of importance; for we were a self-denying people, and it became us to let our light shine. A laxity had crept in amongst Friends, in the matter of entertaining their country friends, and the strangers who favoured us with their company. She would not wish to put any impediment in the way of due hospitality; but the show and the extravagance and the profusion were calculated to throw a stumbling-block in the way of the unlearned. Sweets after dinner were a great need-not, and should be abstained from at such a solemn time; and wine was apt to make Friends drowsy, when they came to the evening meeting.' She then sat down, and in about two minutes rose up again, and said, 'I feel easier to add, that cakes at tea are a superfluity, which Friends would do well to avoid.'—P. 147.

This transpired in the women's meeting. At the first dinner party the fruits of this testimony were not apparent, but the good lady of the house felt called upon to apologise for her bountiful fare, alleging she had ordered dinner before she went to meeting, or she would have paid more attention to the advice

they had received. The men of the party expressed a perfect satisfaction with things as they were, and wished to know to what she alluded, and when told the nature of the advice, one exclaimed, ‘Ah, I think I can guess who gave that advice. ‘Was it not Sarah Castle?’ ‘Yes.’ ‘She gives very poor entertainments herself, and it vexes her to hear the comparisons that are made. She wants to have you all in the same box with herself.’

It is a great testimony in favour of a practical style of preaching that Sarah Castle’s advice, however unacceptable to the mass of the entertained, was yet followed, and while this meeting lasted the dinners and the teas were as unattractive and forbidding, as confined to the mere necessities of life, as the most ascetic could desire. ‘Had not we a horrid dinner,’ said one communicative little boy of the house to our authoress, after an entertainment on the Sarah Castle’s model from one of the wealthiest of the society, where very different doings were customary,—‘I wonder thee could eat it? Only for the red ‘round we would all be starved. Mamma says she can’t stand ‘it any longer; so she won’t ask any Friends for to-morrow, and ‘then we will have chickens and asparagus.’

The poor Men-Friends who had had no hand in these reforms had still less sympathy with them; what they did talk of in their meetings is not recorded, but probably they would keep more to general principles, not avoiding the statement that Friends are a self-denying people, but refraining from those particulars and examples which dictate the mode this self-denial should be practised—instances and direct suggestions are dangerous things. The end was that the men, young and old, one and all, pronounced that ‘Sarah Castle had run before her guiding in the matter.’

This is the only instance recorded of moderation on this head. On the contrary, the subjects of eating and drinking seem to be left to Friends’ discretion, while other amusements are rigidly forbidden and can only be procured by stealth. They are thus driven as a resource to self-indulgence. Their entertainments are sumptuous and profuse, and seem to be enjoyed with that relish which necessarily belongs to a permitted luxury, when so many others are forbidden, and the men may rejoin the ladies after a dinner party, decidedly affected by the wine they have taken, and create less scandal than if the tones of a piano had summoned them to the drawing-room at a more temperate hour. The horror and dread of music is something remarkable in this society, and the vigilance with which the women overseers keep down this deep-seated natural taste, something which tells well for their unwearied energy in the cause. How people, from generation to generation, can think music wrong is hard enough

to comprehend. But it is an acknowledged fact of quakerism, and no doubt this strangling of natural instincts gives to the leaders of the party a great hold and ascendancy over the body. It is our nature to stand in awe of a scrupulous conscience, to reverence it, to defer to it.

It is right to entertain these feelings, and rather to give up our own likings on immaterial points than outrage the spiritual sensibilities of others. But so much the greater is the guilt of a system which assumes these without feeling them, which burdens other minds, and those the most sensitive and refined, with worse than needless restrictions, and which drives them, if they will indulge their tastes, to do it by stealth and with a half-consciousness of wrong. The younger members of quakerism are forced into deceit and semi-hypocrisy if they would preserve peace. With the daughters of this sect it ends here—they keep their pianos up-stairs, out of the way of the searching circuitous glances of overseers and ‘sitters with families,’ hide their guitars behind curtains, and pass off their music, where the prying visitor is ignorant enough, for Hebrew, and make a joke amongst themselves of their arts. But with the young men it is different and worse; our authoress declares that infidelity is widely spread amongst them, and the concurrents of infidelity, dissipation and profligacy, and this under the odious garb of a sleek smooth profession. But on the darker revelations of this volume it is not well to enter. We have purposely kept to her own experience—the things she has seen and heard; only quoting one sentence on the subject which she calls an *extraordinary* fact, but what must really be regarded as an inevitable cause for an effect. When the mother forgets her sucking child and ceases to have compassion on her young children, what must be expected but that they shall show the fruits of such unnatural neglect?

‘It is a very extraordinary fact, that so many of the preachers neglect their families, that the wildest, and I believe I may say, the most notoriously irreligious young men in the society, are the sons of preaching women. The most scandalous deeds I have even heard of among Friends, or among any people—immorality in its most hideous forms, licentiousness, and dishonourable conduct—are in ministers’ families; and provided public attention is not awakened to them, the sin is covered, and the sinner walks erect among his people.’—P. 88.

Our authoress considers the vulgar charge of slyness, brought against this community, borne out by facts. She records instances of Friends in an accredited position applying their alleged spiritual powers to very secular ends, not scrupling to get up ‘a concern’ for persons at the precise moment when they had some worldly object to gain from them. On one occasion the writer and her father had planned a journey to Youghal Monthly Meeting:—

' The day before that fixed for our departure, old Friend Thomas Brown came to speak to my father. He was showed into the parlour, where we all assembled just after breakfast. After the customary salutations, he sat down, and fell into silence. Of course we all wondered what was coming; but we respectfully waited until he was ready to unburden his mind. At last he began by saying, how greatly he was impressed "with the beauty of the simplicity of the truth; how greatly he longed that his young friends could be made willing to walk in it. That the beauty of the simplicity of the truth was a doctrine too high for his own comprehension, and therefore he would greatly recommend us to cast away all doubtings, and hold fast by the beauty of the simplicity of the truth." Then he paused a bit longer, and got up, as if to go away; but he stopped short, and addressing my father, said, "I heard thee was going to Youghal Meeting; is any of thy family going with thee?" "Yes," he replied, "my daughter will accompany me, I expect." "Ah!" said he, "I was thinking so; then you will just have room for my cousin, Betty Brown, between you. She has a concern to go, and I did not well know how to manage for her. When will you be starting, and I'll tell her to be ready?" The cool effrontery of the man took us all by surprise, which was turned into vexation, when my father, after a moment's reflection, agreed to take charge of the old woman. He said afterwards, that certainly she was not the companion he would have chosen, but he did not think it would be kind to refuse.'—Pp. 60—62.

The testimony against tithes, by which Friends keep up the notion to themselves that they are confessors for the cause of truth, is carried out in the cases mentioned here with a similar departure from straightforward honesty. Our authoress marries, and comes to reside in Bristol. She is soon after called upon by the tithe-collector:—

' Soon after becoming a housekeeper, I was called on by the tithe collector. Friends annually sum up the amount of all they have lost by this suffering, as they call it; and I was then under the idea that "our noble testimony against an hireling ministry" was an essential part of all true Christianity, and that our refusal to pay the unholy tax was an acceptable martyrdom in a small way. I had heard much preaching on the subject, and very much self-laudation on the faithfulness of the Society generally, indeed universally, to this our testimony, which so widely separated us from the hirelings of all other creeds. The two men who called on me, for the purpose of collecting the disputed impost, were exceedingly gentle and polite. They saw at a glance that I was an ignoramus, and kindly volunteered to inform me how other Quakers managed, for I had told them that my profession would not allow me to pay tithes; and that if they insisted on forcibly taking away my property, though I would not resist, still I would look on it as actual robbery.

' "Did you ever pay tithes, ma'am?" said one of the men.

' "Never," I replied.

' "Well, then," said he, "you are a stranger here, I see, and I'll just tell you how the Bristol Quakers manage; for I am going about among them for twenty years past, and I am always glad to accommodate them, and meet their scruples. The sum you must pay is one guinea; so I will call here to-morrow, at eleven o'clock in the morning, and you just leave on the sideboard there some articles of plate—your tea-pot will do very well, or spoons, or whatever you like—then I come and take it away. You don't give it, and so your conscience is clear. You will then return to your Meeting-people, that your tea-pot, worth ten guineas, was distrained for tithe; and as soon after as you like, you can go to Mr. Jones, the silver-

smith, and tell him how you lost your tea-pot, and are obliged to buy a new one. He will condole with you; and after showing you a variety of new ones to select from, he will hand you your own identical article, and say, he can sell you that cheap—say one guinea. You pay your guinea, and get your own safe back again, cleaner and brighter than ever; and, if you like, you can purchase some other little trifling article; for Mr. Jones is a very accommodating man.”—Pp. 223—225.

She found this literally true, and the practice generally carried out. She, however, astonished the collectors by paying tithes like the people of the world, after this insight ‘into the sufferings for the cause of truth’ of her own sect.

‘I never was called to account by the Meeting for paying my tithe. The Friends to whom we reported, when called on for the amount of our “sufferings for the cause of truth,” merely remarked on the small sum we returned; and at the next Monthly Meeting, I heard the query satisfactorily answered—and by one of those very Friends whose names had been mentioned to me as customers of Jones the silversmith—“that Friends were faithful in bearing their Christian testimony against paying tithes, priests’ demands, and church rates.”—Pp. 228, 229.

Those who feel deeply the importance of the doctrines formally repudiated by quakerism, will not expect orthodoxy on other points. Nor does the rule and predominance of women in the society do other than lower our anticipations. For, as we have said, with no genius for systems and theories, and a full space for the exercise of zeal within the limited range of quakerism, their devotion to this congenial work must necessarily narrow and obscure the vision within its natural scope in all questions which do not seem to bear on this primary object. To all people who take up religion as a party question, the whole of the Bible is a dead letter beyond a few texts, and the more zealously each builds his theory from these texts, the more utterly he forgets the rest. ‘There is neither male nor female,’ is the text predominant in these good ladies’ heads;—round these words gather all the other revelations of Scripture; and as to each person’s own mind that scriptural statement is most important which he thinks of most, that most constantly influences him; this, to them, is *the* doctrine of Christianity. We do not any of us know how deeply we are indebted to our creeds, and the constant repetition of them, for the general view of Christianity, which we possess: so that it is not possible for us, when we think of our Holy Religion at all, not to think of it as including and consisting of certain great truths and doctrines. Those who reject these epitomes of Scripture for the Sacred Volume itself, as a fact narrow their view and diminish their catalogue of truths necessary to be believed and held in mind, instead of enlarging them as they seem to do; so that if we could really reach the idea which implies the Christian religion in some minds—the essence of it—it would prove a very remarkable faith indeed.

What it must necessarily be in a quaker's mind, who has no creed, who *never* hears the word of God read publicly, and who need never be reminded of the duty to read it privately, who never joins in public prayer, and who is forbid any form or attitude of private prayer; who does not necessarily hear the sound of a voice when he resorts to his meeting-house—who, when he does hear what is called 'best wisdom,' hears enforced chiefly the observance of a few externals, the rules of the society, and some moral truths; what we ask, need be such a person's faith? What array of doctrines concerning his Maker and Redeemer and Comforter, and his own condition and duties towards God need rise before him. What will he really mean when he says that he believes in a Saviour?—those simple words involving the mystery of godliness?

Our authoress gives occasional intimations of what a quaker need not include in his confession of faith. It need not—we speak on her authority—include faith in Jesus Christ as a person; nor in salvation only through His precious blood; nor in the intermediate state; nor in the resurrection of the dead; nor in the eternal punishment of the wicked. In all these doctrines, and many more, he may be woefully astray, and yet it will in nowise affect his character for orthodoxy in his society, which enjoins a wholly different test. As one of their preachers expresses herself,—‘The “thee and the thou” a stumbling-block to many, but yet the distinctive mark of the Lord’s people, ‘for it is declared in holy writ that the Lord’s called and ‘peculiar people are a little flock, a people of a plain language’ —a strict conformity in this and similar points is practically deemed sufficient for salvation.

‘Friends always take it for granted, that a plain Friend when he dies goes straight to heaven. I have known many cases in which there was cause for great fear and anxiety, but I never heard of a doubt being expressed, either to the dying or to the survivors.’—P. 113.

Rather than there should be any doubt on this head, and any fears either in the dying person, or in those nearest him, however reasonable these fears may be from the course of his life and his state of mind at death, there are cases of the female preachers having evidences—*i. e.* divine intimations—that the dying or the dead, if they have been ‘consistent,’ are saved. Consistency implying obedience to the three testimonies, and regular exclusive attendance at meetings.

It was no original rule of quakerism that members of the society should not attend other forms of worship, but it seems to be found an indispensable requirement in modern times. Not but that they often do—we ourselves have not unfrequently seen quakeresses attending the cathedral service in different parts of the kingdom: but it is objected to by the governors of

the community. No wonder. They, the female preachers especially, are intensely jealous of a 'hireling ministry,' and keenly alive to the practical dangers of a comparison. On this subject some of their hardest language is applied. On the occasion of our authoress's propensity to go to church becoming known (though this did not interfere with due attendance at meeting) an English minister of 'very high reputation,' on the important occasion of the yearly meeting, after reprehending the neglect creeping in of the minor doctrines, 'the peculiarities, the dress,' &c. concluded by expressing—

'Great surprise that any who fancied themselves to be religious could bring themselves to think it compatible with Christian duty to frequent places of public worship. She paused a moment to rivet attention and add solemnity to her words, and then added,—"They who do so, I have no hesitation in saying, sully their souls with a dangerous iniquity."'-P. 327.

'Common worship,' 'man-made worship,' 'hirelings,' 'the steeple-house,' and many more are the epithets applied to our church, its ministrants, and services, and 'to despise women's preaching' seems regarded as a consequence not unlikely to follow from even an occasional attendance upon them. Self-preservation therefore is at the bottom of their 'concern' in this matter. Besides that, though frequenting church is not forbidden by the English rules, nor till very lately by the Irish, there is a manifest contradiction in doing both; female preachers call it serving God and Mammon. If a person feels edified and strengthened by uttered prayers her adherence is practically at an end to the precious testimony of *silent* worship. The members of the society generally—though without personal scruples—know they must attend to this understood rule if they would preserve peace. One amusing instance of this conformity, under difficult circumstances, is given. The present writer and her husband were travelling in South Wales, and heard at one place that the Friends' meeting was held in the house of a Friend; thither they repaired, and were courteously received by the host and hostess, who lived in a pretty place in good style. They seemed very glad to have this accidental addition to their small meeting, consisting usually of themselves alone.

'The drawing-room, a very elegant apartment, light, cheerful, and decorated with numerous articles of *verlu*, was the meeting-house. The lady retired for a few moments, and returned with her Friend's bonnet and shawl on; her husband then stepped down stairs, and came back with his hat on. Then we all sat down, and "dropped into silence." It had not continued five minutes, when the owner of the house got fidgety, and jumping up, said, "I do not think we can manage a silent meeting well; shall I read a chapter in the Bible?" We all assented, and he laid on the beautifully inlaid table a magnificent copy of the holy Scriptures, from which he read two chapters and a Psalm: a two minutes' pause succeeded, and then he turned round on his chair, and gravely shook hands with me. Meeting was over, and we began to chat, and he insisted that we should remain and

dine with him. * * * The lady laughingly told me that she always put on her bonnet, and her husband his hat, when sitting in their drawing-room,—their make-believe meeting-house on first-days; but she said “it would not feel like a Friends’ meeting-house, unless we had on those appendages of our society.” She told me that “her husband had subscribed several hundred pounds for the building of a large church that was quite near them; that she often thought it would be more sensible to go there to worship, that the minister was a valued friend of theirs, and that they could not see anything wrong in the service of the Church; but that, as it would expose them to so much annoyance from the Society, they kept in the old way, sitting silent first with hat and bonnet on, for the name of the thing, and then reading the Bible for edification.”—P. 268.

This was the spirit of conformity. Our authoress did not possess it. Her state of mind is curious: she tenaciously clung to membership, and yet undoubtedly transgressed the spirit of her sect. There is something very disagreeable in being wished away—in observing a desire on all sides that we should be got rid of. It acts differently on different tempers; with our Friend it made her hold on to the society, appeal to rules, resist oppression and injustice, and plead her cause with a zeal very unaccountable to us who cannot see any advantage in the position she fought for so stoutly. But, as she says for herself, she had an unaccountable hankering after ‘silent meetings.’ This was, on one occasion, however, put to too severe a proof. While in Devonshire she found herself forty miles from a Friends’ meeting-house, and therefore went herself, and took her six children to church. On this she received a letter from her overseers, asking if she considered herself still a member, and desired to have her certificate sent her; the reply was ‘Certainly, but that the distance prevented her attending meeting.’

‘Some weeks elapsed, and then came another letter from the same two Friends, telling me that having made anxious due inquiry, they had ascertained that although the nearest meeting-house was forty miles, that still I might be enabled to uphold the precious doctrine of our society respecting silent meetings. They informed me that in a small country town eight miles distant from my residence, there lived a man Friend, whose name they kindly gave me. This man they told me was in the habit of sitting in his own parlour on first-day mornings, and had expressed a more than willingness that I should go and sit with him at that time; and these wise women—two old maids by the way,—actually required me to comply with their advice—to drive sixteen miles every Sabbath morning, for the ridiculous, not to say indecent purpose of sitting in the parlour, back of a cutlery shop, for two hours, with a middle-aged bachelor. To save me from the impiety of attending a place of “common worship,” these two steady, highly consistent overseers, wrote this sage advice to me. I did not answer that letter, but I keep it as a curiosity of Quakerism.’—P. 295.

We have wondered at the unwillingness with which this critical observer of the system in which she found herself, was forced out of it—for she did not join the Church formally till disowned by her own community—yet we can only wonder under a conscious want of sympathy, for we know how true is her remark—

'That it is by very slow degrees that the light breaks in upon a mind which has been drilled into a system. When I think now of the great difficulty felt in shaking off the mental thralldom of Quakerism, and of the many years that I lived, seeing the fallacies of the system, and alive to the discrepancies between faith and practice, and yet unable to see my way out of the distorted system of Christianity which I knew it to be, I can feel very tenderly for those who are still dwelling in that gloom, from which I was only rescued by the rough hand of adversity, and the persecution which for ten years past the society has condescended to inflict upon me.'—P. 229.

Happily for our friend, these persecutions, as she calls them, these 'concerns' 'visitations from Friends' (it must be observed how wide the difference in signification which the initial capital gives to this word,) who are led by a feeling of great weight to ease their mind in her regard—the 'dealings' 'sittings' 'silences' 'questionings' with which she was tormented, ended in her excommunication. One of these preliminary steps, from the awful solemnity of its attendant circumstances, forcibly reminded us of Constance's judgment-scene in *Marmion*.

'I was surprised to receive notice of an intended visit from no less than four Friends together. Now that it is all over, that I have been enabled to shake off the yoke, I can smile at the recollection of this formidable visitation. Then it was not so. I could scarcely sleep or eat for the three intervening days; and being in a nervous, delicate state of health, I was really very ill when I was summoned to appear before these awfully sombre—stern-looking disciplinarians—two men and two women.

'With cold formality they shook hands with me all round, and then seated themselves. The silent waiting for "best wisdom," now came on, and lasted unusually long. It was a very cruel suspense to keep me in; for though I had had many visits from overseers before this, still I had never been under "dealing," and I was quite at a loss how to conceive what was the transgression for which I was to be chastised. The Friends exchanged looks at each other, and then one of the men took off his hat, and laid it slowly on the ground beside him. He fumbled in his pocket, and at last took out a pair of spectacles, which he duly placed upon his nose, and looking me in the face, began to speak thus, "We have been appointed by the monthly meeting to visit thee. Perhaps it may be well to read to thee the minute of the meeting."

'The other, a very dark-looking man, rose up very slowly, and silently handed a paper to him. He fumbled again in his pocket, got out another pair of spectacles, and placed them over the first pair.

'People may talk of mesmerism—but the spell which is cast over a poor delinquent, when four overseers, one of them with two pair of spectacles on, are sitting in judgment over her, is equally or more entralling. I could not exactly tell what was my crime, but I felt as if guilty; and it was with a nervous dread that I waited to hear my accusation read by that stern-looking man. I asked for a copy of it when he had done, but he refused it to me, so it was only from memory I could write it down. The purport of it was, that the English Meeting had written a private letter to Reuben Oversight, which gave a bad account of me. I never could get a peep at that letter. Reuben had informed the overseers, and they had, without telling the Monthly Meeting the particulars, got themselves appointed to visit me. In the most respectful and deferential manner, I remonstrated against the injustice of a private letter, which I was not allowed to see, being admitted as any evidence against me.

'One of the women then began to speak thus—"Friends are well aware that thou art in the habit of sometimes going to the steeple house. That of itself is quite enough to cause thee to be put under dealing, and thy general appearance condemns thee. How canst thou reconcile it to thyself, one day to attend to the ministry of an hireling, and another, to sit in our Meeting as a pure spiritual worshipper? Thou canst not serve God and Mammon. Either give up being a Friend entirely, or give up the attendance at the steeple-house. It grieves me greatly to see thee departing from our customs. I had hoped better things of thy father's daughter. Think, my dear Friend, how it would grieve that precious departed relative, if he could see thee living in the neglect of any of our valuable testimonies. He was a light amongst us; thou will never find out for thyself a better way. I really cannot imagine how thou canst reconcile to thyself wearing dresses, and going to places, which thou knowest, if he were alive, he would not approve of. Thou shouldst imitate him."

'I replied, "I will imitate him. What he was, he was conscientiously. Whatever I am, I will be so too."

'The other woman then began—"I do not feel easy to sit here, and not remark on thy very unbecoming interruption. No one wants thee to do any thing but what is conscientious. I do not suppose thou art so vain as to imagine thyself wiser than our worthy predecessors were. Thou art placed in a very responsible situation as the head of a family, and it is by submitting thyself to due subordination that thou wilt be enabled to direct thy children aright. I feel well assured that if thy dear father were alive, thou wouldst not act as thou now dost, running after a hireling ministry. Yielding to those imaginings of thine own, may seem very specious; but it will bring thee into trouble; and, when too late, thou wilt repent having refused to take up the cross, which is the only way to secure the crown."

'I made no reply. The dark man seemed to fear I might feel hurt, and said, "I hope our Friend will understand, that it is not with a wish to censure her we came here. It is our wish, by a timely remonstrance, to save her from adopting a system which certainly cannot lead to peace."'¹—Pp. 319-323.

¹ The reader will be anxious to know what impression the present work has made on the Society of Friends. A printed circular has been issued by one who signs himself, 'A Quaker, and glad of it,' not apparently designed as a refutation, but only as an expression of contemptuous indignation. To us it leaves the matter very much as we find it. There are reflections on the lady's temper, want of dignity, unlady-like conduct, but scarcely what can be called distinct denials of her facts, except in the matter of tithes at Bristol, in which he admits that *many* follow the practice she describes, but not the body of Friends; and again, when he differs with her in the amount of scriptural knowledge in the Society. A few extracts will give the reader some idea of the tone and style of this document:—

To J. B. DUBLIN.

DEAR FRIEND,—I have been induced, at thy repeated request, to undertake the distasteful task of wading through the tissue of slander, misrepresentation, and abuse, which has recently appeared under the above title, and I comply with thy wish that I should briefly give thee my views of the book, less from any importance attachable to itself, or to its anonymous writer, than with the view of showing the true nature of a work whose title has deceived many into purchasing it, and whose author and her friends appear to be sparing no pains to force it into circulation. ***

"The charges against individuals are various, and are applied both to the living and the dead. The authoress generally flies at *high game*. Some of the most useful and active members of our Society, now gone to their reward, are assailed by the "Lady" in the most undignified manner which it is possible to conceive. I should premise that the names of the parties are in no instance given, but it is impossible to misunderstand her allusions to Friend Stately, of Mildred Court, as applying to one whose works of faith and labours of love have long been acknowledged by Christians of every name. Against this Friend the "Lady" seems to have an especial grudge, from the fact (if fact it be) that on one occasion, during a yearly meeting, being invited to Mildred Court, she (the "Lady") did not get enough dinner!! Against the brother of this Friend, the principal charge revolves itself into being too attentive to his sister!!—to her comforts and convenience! It might possibly have modified the "Lady's" injurious remarks on this valued Friend, had she known that the Bishop of the cathedral city in which he had resided thought it right to preach a sermon on his decease, especially referring to him; and for the first time a Quaker's funeral sermon was preached by a Bishop! Her newly-adopted reverence for Bishops might have suggested to

Our space will not allow us to finish the conference ; it ended, as we have said, after a good deal more of the same kind of thing, in her being ultimately disowned, on the ground of her having conformed to the Church. Not till then did she seek formal admission. Not till she experienced the fulness of isolation, of being as it were branded by a mark of reprobation, till she felt herself slighted by old friends in public, and repulsed in private, banished from their company on earth, and as far as they could continue the sentence, from their communion in heaven ; not till then did she seek refuge in the ark of Christ's Church, together with her husband, who had long attended the Church services, and her six children ; retaining, as she says, her Quaker doubts of the necessity of water baptism to the very hour in which she submitted to it—doubts which we need not say are now removed, though probably her ideas of the Church's work and office are still not very clear or defined. In this respect she stands as a remarkable contrast with another female convert to the Church from Quakerism,—the subject of Mr. Brett's memoir, '*A Memorial,*' &c. Her work is a desultory one, and our remarks upon it have not been less so. We have not thought it necessary to pursue the course of her personal narrative, which our readers, if interested in the subject, can easily procure for themselves. Whatever showed the practical workings of this extraordinary system, and by what

her that the dignitary whose intimacy with the man she calumniates made him feel himself "honoured" by his friendship, may possibly have had better opportunity of judging of his character than herself, in the two or three interviews she appears to have had with him. * * *

A ministering Friend from the back-woods of America was received as a guest in the house of the father of the authoress ; and she appears to think it becoming a "Lady" to occupy thirteen pages of an octavo volume in exposing the unpolished behaviour, and unmannerly conduct, of this old man; almost uneducated, very poor in this world's goods, so that his clothes were worn threadbare, and even had rents in them ; the authoress jests at his infirmities, jeers at his want of polish, and disgraces her character as a "Lady," as a woman, and as a near connexion of the host, by her low, ill-bred, disgraceful remarks on the guest. Give me a hundred times rather the unpolished manners, the dirty hands, the "large feet,"—yes, and the ragged stockings of "Friend Flannil," the illiterate back-woodman, than the cold heart, the perverted judgment, and the low ill-nature of the "Lady," (who in her conduct to this good man forfeits all title to the name she has assumed,) who mocks at her father's guest, and slights and scorns the claims of hospitality. Does the "Lady" expect that, in the back-woods of America, where there are no "handsome open barouches for us girls," little opportunities for education, no advantages of polite society, that men born and bred amongst the forests and the prairies, should be initiated in the little politenesses of a rich Irish Friend's table ? What, if the lowly man *did* on one occasion use his fingers to the wing of a fowl ? What, if he *did* call a salt-cellar a salt-bucket ? What, if he *did*, when chilled with a long ride in the cold, venture to warm his feet at the parlour fire, even though he showed his poverty by the holes in his stockings ? What is there in all this to unfit him for the service of the God of the spirits of all flesh ? I knew the worthy man, and one thing I will venture to assert, that if, in the ordering of Providence, it had been our authoress's lot to be a wanderer and stranger in "Friend Flannil's country," a warm corner of his lowly hearth would have been placed at her disposal, and a warm heart (albeit with a rough exterior) would have made her welcome, and would have cast no stones behind her.

The authoress professes a high respect for Scripture ; does she recollect the record of a time, when the immediate disciples of the Saviour of the world had their feet washed by the "Lord of Glory" Himself ? Had the "Lady" lived in that day, she would doubtless have scoffed at the bare feet or the worn sandals ; but Jesus "washed their feet."

"My friend, our Society has nothing to fear from attacks such as these. The authoress has succeeded in exposing herself in a way that must be felt by her immediate connexions to be a disgrace, and which will taint the very heritage of her children. Poor woman ! folly in age appears doubly foolish, and the wilful sin of grey hairs especially sinful. Still may she be brought, ere the curtains of the night are drawn around her, and her eyes closed for ever on this sublunary scene, to repent deeply and heartily of the character she has assumed of the false "accuser of the brethren;" and at length may her vindictive and tossed spirit find peace.

"I am, as thou knowest, A QUAKER, and glad of it."

means it has obtained and kept its hold on reasonable beings, has appeared more to our purpose. The book bears evidence of truth so far as it goes, though there may on occasions be a want, as far as we see, of that charity which is often the necessary exponent of the naked truth. Even the phraseology of the sect, as quoted so constantly, speaks for the book's truth. It is what could not be invented, no person could have genius to frame a mode of speech at once so intolerable and so appropriate to Quakerism in its outward manifestation. Out of the abundance of the heart the mouth speaketh, we are told; what spiritual poverty, what deadness then does not this measured string of formalities, this trite tasteless repetition of a past generation's profession, this mockery of inspiration betray!

It is hard to decide how far it is right to be amused with the cant of any religious phraseology. Whether what bears the mask of unreality and pretence in the most momentous of all questions, should not rather affect us with sorrow, and even indignation, to the exclusion of all lighter feelings. But in the first place, to use the young lady's argument recently quoted, we cannot help being amused, and however much it is right to be on our guard on so dangerous a subject for diversion, yet the amusement is coincident with the sound of the words, and has taken place before we have had time to regulate our sensations by our reason. This consequence of false pretence in sacred things, has no doubt its appointed use as a check; and the fear of ridicule often confines men to modest common sense, who might otherwise do serious mischief to their own and other minds, by a profane indulgence in inflated expressions. Quakerism, as we have seen it displayed in the present work, is clearly a frightful temptation to hypocrisy; but all people who use words and phrases above and beyond the state of their feelings, while they are using them, are not hypocrites. And while we feel the inestimable advantage of a form of prayer, in the use of which we do not profess to be saying words that accurately express the immediate thoughts of our hearts, but only what we desire them to be, we must not be harsh in judging the practices of others who have not our preservatives, if they happily prove such to us; and this greater leniency of judging at once permits a passing sense of amusement, and an investigation into the cause of it. Wit is sometimes defined as a forcible connexion and assimilation of incongruous ideas; we are diverted by seeing things violently brought together and compared, which have no real relation to one another. A false phraseology is perpetually suggestive of the same. We see in it the strong opposites of a cold unexcited mind and warm excited language, language only suitable under directly opposite circumstances—what should be only the passionate expression of enthusiasm, the very type

of formalism—what once bespoke a heart in turmoil and convulsion, now uttered by the mere force of habit, without the concurrence of the heart at all—what now professes to be the voice of immediate inspiration assuming the uncongenial wording of bygone days—what has only force or meaning as the working of an ardent individual mind, stereotyped for constant use by a whole community, who cannot find anything better to express their professedly spontaneous musings than the self-same words adopted by their brethren and their forefathers. These are grave evils, they betray decay and deadness, grievous self-deception and spiritual apathy, but they are also absurdities, and, in the mouths of the narrow-minded and ignorant, perhaps nothing more. In some cases, we even see something respectable in this strange wording, as an involuntary unconscious homage to antiquity from persons forbidden all lawful modes of indulgence of this good instinct. They are believers in an ever-new revelation and inspiration, but at least they will cling to the old wording; blind to the fact, that in the Record of true inspiration, the language varies according to the individual and the chronology, from Genesis to the Revelation. Here are people who profess to be daily and hourly enlightened by the inbreathing of the Holy Spirit, inspiring ‘best wisdom;’ who are thus forced theoretically to believe, that the authority of the woman-preacher, compelled by the ‘voice within’ to utter her testimony, is of equal weight with Apostles; yet would desire to suppress her testimony, as she would not venture to utter it, if it did not literally repeat the thoughts and words of their ‘honoured predecessors,’ their fathers and apostles of the reign of Charles II. The women especially are, as might be expected, bound by this sentiment, which allies itself to their conservative tendencies, causing contradictions between theory and practice, which lead to painful as well as ridiculous results. They are, in fact, bound to the period of their forefathers by a necessity which we can hardly realize, so that even the mention of our Saviour’s name, spoken with any freshness or freedom is suppressed by the women in authority, as beautiful indeed, but as ‘new-lightism.’ *New-light* is a word of reproach with a sect which professes to disregard the Bible itself, unless interpreted by the light within. In this confusion of ideas, and perceiving at the same time, with worldly wisdom, that a new phraseology would inevitably introduce a new train of thought, they cling, regardless of consistency, in their present frigid jealousy of innovation, to the very forms and words with which their predecessors expressed their ponderous and pragmatical enthusiasm. They dare not make a suggestion of ever so trifling a nature in any other but the received traditional formulary. The effect, as

our extracts show, is unprecedented; though the perusal of the whole book can alone give the reader an adequate impression on this the striking feature of Quakerism.

In conclusion,—while the profession of Quakerism is to cast off all religious observances, all forms, all rites, all ceremonies; yet, the practical lesson to be drawn from their existing system, seems to be the value of observances as illustrated by their own bigoted practice of them. The question is continually moving men's minds; how are we to attach the young to their Church, how are we to lead them to love her, and imprint such principles and doctrines on their minds as shall sustain and strengthen that love into an enduring life-long motive of action? Now, we think, that Quakerism shows that observances—something to do, something for the body to take part in, something that occupies the time and habitual thoughts, something every day to be done that cannot be forgotten, the omission of which implies separation, the observance of which expresses membership—is the means to establish this love, this life-long devotion. The rites and ceremonies, the daily observances of Quakerism are foolish, many of them unnecessary, unmeaning, objectionable: but such as they are, and in so far as they are strictly enjoined in childhood and youth, they keep together the body, which appears to have absolutely no other bond of union, no other reason or cause for continuance or existence from day to day. It is this which gives continuity to all false systems, from the inherent power of use and habit over the soul. ‘For pass over the isles of Chittim, and see and send unto Kedar, and consider diligently: see if there be such a thing. Hath a nation changed their gods, which are yet no gods?’ False and weak observances have not necessarily more power than beautiful and significant ones; those that figure forth the Church’s office and character are not in their nature less effectual than others that begin and end in themselves. A service of prayer and praise has not less influence on the feelings than a ‘silent meeting;’ the repetition of creeds and catechisms, than ‘the thee and the thou;’ the prayer uttered on bended knees, than the formal garment, the appropriate changes of posture, than perpetual sitting, the head reverently made bare, than pertinaciously covered. Let us then train our children, rich and poor, in a due regard of outward observances, as believing them necessary to the practice of religion in beings who were created with bodies as well as souls, believing that an arrogant rejection of them as needless, and unbecoming the spiritual worshipper, must always end, as in the case of the sect that was founded on that dogma, in an exclusive, though it may be unconscious, regard for externals.

ART. III.—*The Roman State, from 1815 to 1850.* By LUIGI CARLO FARINI. Translated from the Italian by the Right Hon. W. E. GLADSTONE, M.P. for the University of Oxford. London: John Murray. 1851.

THE result of the events, which, some three years ago, drew the eyes of all Europe, even in the midst of unwonted domestic anxiety, upon Italy and the Papacy, has left an impression on the minds of most Englishmen, very unfavourable to all the parties concerned. A mixture of disgust and contempt, despair of amendment anywhere, incredulity about the statements of all sides alike, distrust equally of principle and capacity in the leaders, have succeeded to the interest and wonderment, joined in some with hope, in many more with unconvinced misgivings, with which movements so strange in their origin, and so triumphant in their first success, were looked upon here. Italian reform has been a failure, and a failure as complete as it has been miserable. Only in the representatives of the two extremes, those whose cause had little to recommend it to Englishmen—in the foreign supporters of despotism, and the native supporters of democracy, was there energy, determination, and steadiness. Radetsky and Mazzini stand out like men, amid the bewildered and baffled crowd, and extort, at least, the one in his victory, the other in his defeat, the admiration which it is hard to withhold from vigour and a clear purpose.

But everywhere else appears that ludicrous disproportion between excitement and principle, between sentiment and capacity, between powers of language and of business, between anticipations indulged in and realized, between promises made, and fulfilled, which is so fatal to sympathy not less than to approval. The new Revolution was to be quite different, we were led to expect, from the old, conducted on different principles, guided by men who had learnt sense, moderation, and unselfishness, from past mistakes; a revolution from above, not from below; from the pope and the sovereigns, not from the mob,—conciliatory, patient, gradual; sober in its hopes as well as its aims; averse to violence; not merely respectful, but loyal to religion. Such it was meant and wished to be, by the accomplished and eloquent men whose writings prepared the way for it; thus, in appearance, at least, it began. But now that it has run its course, and for the present is all over, it seems to differ from any other vulgar revolution only in the feebleness and hollowness of all its proceedings, except its desperate termination under the Roman triumvirate.

There is therefore, now, less interest than ever felt here for Italian politicians, and their attempts. We were always accustomed to look with doubtful eye on their ideas of improvement; and now when, for once, they had raised some serious expectations, they have disappointed them as completely as the most distrustful could have augured. They appear to have not only failed, but failed discreditably, by their own quarrels and vacillations, their pettiness of spirit, and want of seriousness, as much as by their military inferiority to the armies of Austria and France. And thus, after three years of noise and vainglory, of illuminations and constitution-making, the civic guard has ignominiously doffed its Roman helmet and sword, and slunk out of sight behind desks and counters, and the old order of things, faithless, lawless, cowardly, and corrupt, wherever 'Reasons of State' influence it, is once more restored. That such a drama should awaken no great interest, no great curiosity about its details and actors, is not very astonishing. With Italian art, Italian music, and Italian scenery, we are content; and leave the men, the abuses of their social condition, and the way in which these abuses are either maintained or assaulted, without inquiry or notice.

Undeterred, however, by this indifference, Mr. Gladstone has, in the present publication, invited attention to the history and results of these movements, in a very emphatic way. For a man like Mr. Gladstone does not translate two large volumes simply to amuse himself, or gratify a fancy: he has felt that something more is due to the objects, at least, which have been aimed at by the various parties in Italy for the last few years, than a careless and contemptuous ignorance; that they are not merely intrinsically interesting, when looked at closely, but both to the historian and the statesman are worth understanding more distinctly than people in England generally take the trouble to do. And, in truth, they are worth understanding—not merely from the position which Italy holds still, as it always has held in Europe,—a position varying in importance, but never unimportant, and from the character of Italian civilization, historical traditions, intellectual culture, and political institutions, always peculiar; not only from the strange fatality which has doomed the Italian people, with all the promise of their rare gifts, and, what is more, of those gifts rarely balanced and tempered, to be as a nation invariably unprosperous and unfortunate, to be the country where abuses linger longest, and most shamelessly—not only for this, but because Italy is, and has been for centuries, the territorial basis on which the great ecclesiastical monarchy of the West reposes—to which, in a degree scarcely to be exaggerated, Italy has communicated its

national spirit, and temper, and talent, and ways of thought and action ;—the direction of which has been practically in the hands of Italians, with ever-increasing jealousy and exclusiveness, since the issue of the great schism confined the chair of S. Peter to their race,—the national boast of Italians—identifying itself with their interests and prejudices, and reflecting through the remotest of its vast ramifications the characteristics of its local centre.

In Italy the governing body of the Roman Catholic Church has for ten centuries been a temporal power, and has had liberty to direct as it pleased, with the independence of sovereignty, the civil order and social welfare of a remarkable people, whose enthusiastic faith in its religious pretensions has never faltered. Beyond its own territorial borders, it has acted on its Italian neighbours with whatever political force belongs to a separate state; while there also, as much as in its own dominions, the spiritual training and government of the whole population has been, with the free choice of princes and subjects, exclusively in its hands. Italy and the Roman Catholic Church are, indeed, bound up together; it is difficult to follow the development of the Roman Catholic Church, without keeping in mind the peculiarities of the nation of its choice; and still more difficult to trace the fortunes of that nation, without reverting continually to that ecclesiastical autocracy which has had so much influence in making Italians what they are. On no conceivable principle can a Church of such claims, and also of such undoubted power over the heart, the habits, and the actions of men, be left out of sight, when studying, whether to account for, or to learn from, the state of that country which is its principal seat; and to those, to whom that Church, in any of its aspects, is an object of interest, Italy must always be an object of interest also.

The last strange and eventful chapter in the history of the Papal State is given in the work before us, by one who was an eye-witness, an actor, and, it must be borne in mind, for fairness' sake, a sufferer also. It begins with that point of departure for all recent history, the settlement of 1815, when all the governments of Europe, after the tremendous chastisements and warnings of the French invasion, were again allowed a fresh and fair start. How the pontifical government used that new chance—how, after a singular display of dignity under adversity, restoration brought with it, not pride, or vindictiveness, but a feeble slackness, and insensibility to the claims and opportunities of the time—how the ecclesiastical government, as if nothing had intervened, and nothing had been changed, took up the threads of its old habitudes and maxims just where they had been so rudely broken—of what avail were the noble and majestic

gentleness of Pius VII. when coupled with want of capacity and want of real inclination for the hard tough work of improving government, to meet a bitter and implacable discontent, which had its continual food in undeniable and untouched abuses—how far, in combating this subversive spirit, and in default of the serious will to face its real cause, matters were mended by the expedients substituted, by enlisting a virulent sectarianism, the old curse of Italian society, on the side of government, and opposing to the liberal conspiracies a fanaticism as savage, as unscrupulous, as turbulent as themselves—by the bold return of Leo XII. to the high-handed and uncompromising system of the older Papacy—by the exchange of his predecessor's independence for Austrian countenance by Pius VIII.—by the secret police, jealous and vindictive, and the military commissions which alternated with outbreaks of civil war, through the long and sullen reign of Gregory XVI.—in what state the end of this first thirty years of the restored Popedom, a time of profound external peace, found the system, the experience, the temper, the administrative habits, the law, the finances of the government, and the well-being, the social discipline, the loyalty of its subjects—how the result of this fresh trial of government was, that all these had sunk down so low, that men had lost all reliance on one another and on themselves, and the extremity of social disorganization seemed at hand—how, at this crisis, when no one seemed to have any expedients but the rudest and now the most desperate, Gregory died, and Pius IX. began to reign—how he tried to meet the accumulation of difficulties—with what sincerity, with what capacity, with how clear an estimate of the work before him, with what aids, with what hindrances—the brilliancy of the beginnings and prospects of the reformed Popedom, the amount of intelligence and spirit with which it met the difficulties which necessarily arose as it came seriously into action; finally, its abrupt and ignominious catastrophe, almost premature, in spite of the signs of confused and uncertain purposes which had preceded and portended it—the complete bursting of the bubble, the utter downfall of vaunts and hopes—and how, after all, Pius IX. had to go back, without a struggle, and without disguise, and on a scale as yet unprecedented, to those old-fashioned and odious props of power, which seemed the last evils threatened by the misrule of Gregory, foreign armies of occupation, and a police without limitation by law—all this is related in the volumes before us, in order and at length.

It is related, too, with an apparent seriousness, candour, and truthfulness, which have plainly been the great recommendations of the book to its distinguished translator, and

which are said to have gained for the work great authority in the writer's own country. He has to tell a story of bitter disappointment—a story which seems to pass judgment on the calculations and ideas, as well as the hopes of himself and his friends; that is, those who, in late years in Italy, have endeavoured to ally a zeal for social and political improvement, with sincere loyalty towards their Church and its head. He has to tell how he and his party, with fair chances in their favour, endeavoured to give body and practical effect to their principles; and how, on the first trial, after an ominous gleam of delusive success, they failed utterly. He has to tell how they were wrong in all that they reckoned on—how they were unable to realize one of their conceptions—how they were driven from the field discomfited and hopeless, as theorists whom facts had confounded. And this, a trying story for a man to tell of himself and his party, he does tell with frankness, dignity, and temper. Claiming full credit still for the substantive truth of his principles, both as a Catholic and a citizen, and for sincerity and zeal in applying them, he does not disguise that so far they have proved inapplicable. The experiment being for the time at an end, he has set to work to note its turns and phases, not as an apologist, not to complain, or shift the blame on others, but to ascertain and record for future instruction, the mistakes and faults of all, and the degree in which inherited difficulties, or the influence of collateral disturbing circumstances, affected the result.

Farini, we learn from his translator, is a native of the Roman States. He was born in 1812, near Ravenna, and brought up to the medical profession, apparently at Bologna, a city of which he always speaks with strong attachment, as the centre of intelligence, and of free and manly, yet temperate opinion, in Romagna; and where he appears to have possessed personal influence. He speaks as a sincere and zealous Roman Catholic, and appears to have been admitted to a considerable share of the confidence of Pius IX., by whom he was employed in one of the trying crises of his pontificate as a special envoy and commissioner in the camp of Charles Albert. Like most, however, who have had the reputation of being Liberals in Italy, he has been a political exile or refugee, which seems to be as much a matter of course under the circumstances, as being some part of his life in opposition is to an English M.P.

'He was twice in exile,' we are told, 'under Gregory XVI., and returned to his country under the amnesty of Pius IX. July 1846. In March 1848, he became Secretary of State for the Interior, sat in the Council of Deputies, and retired from political office when Mamiani was minister. In October, he was appointed Director of the Board of Health, but was ejected

by the Triumvirs of the Republic. He resumed his post on the entry of the French, but was dismissed by the Triumvirate of Cardinals. He has taken refuge in Turin, and holds an appointment there.'—P. x.

Thus he has felt the hostility of both the extreme parties—the Republicans and the Absolutists; and it is hard to say, to which of them, in the course of his narrative, he shows himself most strongly opposed. The leader in whom he placed most confidence, and from whom he expected most, was the victim of the Republicans, Pellegrino Rossi. He belongs to a party, or probably we ought to say now, a school, of Italian liberal politicians, who have only lately come to be discriminated in England from the hot-headed enthusiasts, or the desperate plotters and levellers, who have been, at any rate, the most prominent representatives of the class. In truth, we fear in many parts of Italy it cannot require any very extraordinary restlessness and independence of mind to make a man what is there called a Liberal,—to place and keep his reason in habitual discord with the authority and institutions under which he lives. Of Liberalism, theoretical and active, there are many shades in Italy; and many who are rightly ranked among its leaders are very far indeed from being either destructives or unbelievers. Theorists they may be—unpractical, fruitless disturbers of what exists for the sake of what is impossible—shallow thinkers, empty declaimers, dreamers over a glorious but irrecoverable past—but such men as Balbo, d'Azeglio, and Rosmini, are at least not enemies of government and order, and, as far as man can know, are as good Catholics as their opponents. But, good Catholics as they are, and because they are such, their moral sense has been deeply shocked by that absence of morality, both in what is neglected, and in what is done or allowed to be done, by authorities which claim most loudly the sanction of religion. In the home and centre of Roman Catholicism, in that Italy whose faith has never been shaken in the traditions of antiquity, and under the eye of the guardian of that faith, the methods of governing are the by-word of Christendom. And this is no mere question of political philosophy or party; it is something much more elementary than a comparison of different theories or models of government. It means, that such is the system which has grown up and taken root in many parts of that country, in the employment of political power, that neither truth, nor fairness, nor mercy, nor honour, nor justice, nor integrity, are reckoned among its essential and indispensable laws and conditions. It means, that no one *expects* these, as a matter of course, at the hands of those in authority; and that rulers never show any hesitation, or scruple, when it is convenient, in departing from them. It means, that where reli-

gion is alleged to be purest and most influential, fraud, falsehood, corruption, and every form of loathsome and base villany, vex and pollute the civil and social relations of men, more widely, more systematically, and more hopelessly, than in any other Christian people, because those who have the welfare of their fellows in their hands, cannot, after many attempts, be divested of the idea that these disgraceful expedients are lawful and justifiable. It means further, that those who, in times of difficulty, meet discontent and resistance with vindictive and cruel measures, cannot be got to take the trouble, in times of peace, to consult seriously for the happiness and improvement of their subjects. This is what is meant by the political degradation of Italy; that authority, in a race of so much intelligence and such high cultivation, is without dignity and without principle; that the very ideas of truth and justice between the governors and the governed, have been obliterated by the immemorial and incurable contempt of them; this, and not the mere admiration of constitutions and representatives—this it is which makes men Liberals in Italy; not only the violent and impetuous, but the religious, the temperate, and the well-judging; those who know how the Bible speaks of cruelty and oppression, of treachery and denial of justice; and that these are not the less sins against religion, because contrary to a civilization itself not always religious. It is this which has roused the sympathy of one like Mr. Gladstone for Italian Liberals.

The school to whom Farini belongs have as yet been more distinguished as writers than as statesmen. They are, in politics, what would be generally termed Constitutionalists, though their line is more moral than political, more directed to elevate and refine the public mind, to excite a sense of the plain and flagrant debasement encouraged or allowed by those who ought to prevent it, than to discuss the indirect advantages or evils of this or that political institution. They have tried to impress on their countrymen in all ranks, who can think and exert influence, that their first great want is a real and pervading sense of justice and respect for law; and next, to chasten the extravagance and childishness which so often mar the great natural powers of the Italians, and to point their thoughts and wishes to greater manliness and greater sobriety. These aims are on the surface of all that has been written by Balbo, by d'Azeglio, by Gioberti, and those who have worked with them; and it is to the force and eloquence with which they have urged these points, to the earnestness and breadth with which they have worked out the moral above the political side of their cause, rather than to any theory of state,

or party watchword, or plan of practical reform, that they are indebted for the remarkable attention which their works have commanded. Possibly enough, they may have overrated what they could do by mere writing; but they have written with great effect and great honour to themselves; in form, far too diffusively and enthusiastically for a country like England, where political writing has enjoyed the training of two centuries, but with great acuteness, with great moderation, with great comprehensiveness, often with very nervous and weighty language, and with a very grave and sorrowful reality of tone.

What these men have hitherto succeeded in accomplishing for their country is but too clearly shown in the book before us. We believe them to be men above the common stamp in spirit and devotedness to their cause, men of high principle and noble feeling; but they are not the men to save a state, much less to recreate and restore one. Subtle, eloquent, and refined, they have shown themselves as men of ideas and wishes, not of means. Yet, if they can keep to that for which they are fitted, they may yet do good service to their countrymen. So far as they can in any measure correct and brace up public feeling in Italy, on political matters—so far as they can leaven public opinion with that reality, that manliness, that patience, that soberness, on which they place such a high value—can wean the thinkers from their extravagance, and the practical men from their slipperiness,—so far they will be effectual, though only indirect, workers in that cause of real improvement, the practical steps towards which will only *then* become clear and possible, when a healthier and wiser tone prevails in society than exists at present.

Having said thus much of the writer, we turn to his book. The object of it is, as we have said, to trace the political history of the Roman States from the peace of 1815 to the present time, and to show what have been the social evils and wants of those states, and how far the Papal government has shown itself able to deal with them.

After the peace of Vienna, the old forms of government, guarded and maintained with the jealousy of a restoration, came in contact with a population unsettled by French ideas and occupation, and become acquainted to a certain degree with the vigour and consistency of French administration. It was a trying state of things; and it required great forbearance, great forethought, and great firmness, to reconcile and harmonize the anomalies of a clerical government restored to all its ancient privileges and exclusiveness, and disposed to enforce them stiffly, with the spirit of independence or of lawlessness left behind

after the great war. Real zeal, care, and trouble, visibly displayed by the government in its civil duties, might have done this, especially with a population in general so warmly attached to their religion as that of the Roman States. But it was not done. It was barely attempted. In all that concerned the civil order of its subjects, and their present and prospective peace and welfare, the Roman court, so keen about its old prerogatives, was doggedly indifferent and slack. Asking once more for the responsibilities of temporal government at the hands of the European powers, it took no pains—none of that earnest and persevering trouble which it never spares in its diplomacy—to fulfil them. The result was a natural one. Those who reviled ecclesiastical government had every day better reasons given them for reviling it. What the government would not try to provide against, it had in time to encounter with violence; and thus to lay the foundation of fresh hatred and fresh misery. Finesse and adroitness, or else bold and thorough-going rigour, were the only qualities that ever seemed to take the place of feeble mismanagement. Thus severity, without the effort to improve, was met by conspiracy, with the sole aim of revenge; and, even under the mild Pius VII. before five years were over, the Roman provinces were festering with faction and ill-blood, and abuses had acquired their terrible defence, that it was become too hazardous to touch them.

The beginning of this state of things, which has led on to the results which we have witnessed of late, is thus described:—

'On the restoration of the Pope, the clerical party came back to power with the ideas it had when it fell, and with passions not tempered, but inflamed, by calamity. Consalvi was at a distance; in spite of the Pope, the most hot-headed and fanatical persons prevailed at court; and these persons, who counted the very moments until they could get full power to reverse all that had been effected, did and said the strangest and maddest things in the world.'

'When Consalvi had returned to Rome, he endeavoured, in the discharge of his duty as Secretary of State, to stem that current, but with incomplete success; in fact, they neither gave any uniformity of frame to the entire state, nor did they simply reinstate the ancient order of things; nor did they so adjust what they newly introduced, as to make it harmonize with the peculiar circumstances of the States of the Church, or with the fresh wants and altered conditions of society. They ought to have acted with forethought, both in cancelling the old and introducing the new, instead of which they put new upon old, without cement, and without dovetailing; and whether of new or of old, they maintained or restored rather the bad than the good, or at any rate, rather what was hateful, than what was agreeable, to the people. There were unbounded promises of civil and criminal codes, but there came of them only some proclamations of Cardinals and Papal bulls, with a few new and yet jarring laws. There were taxes and duties in the French fashion, general administration in the Roman; no rules for a military conscription, troops picked up at random on the highways; while commerce and industry were discouraged by that legal med-

ding, which some economists call protection and favour. Instruction was impoverished, the censorship peddling; all the men, who had been distinguished in the time of Napoleon, were suspected and in disesteem. . . . In the first, the administrative and civil institutions had already been in part reformed before the French Revolution; in Lombardy, at Naples, and in Tuscany, the excess of encroachment by the Church upon the State had at that period been retrenched; nor did the sovereigns, when restored, think of destroying all that which they themselves or their fathers had effected. At Rome, on the contrary, although Consalvi tried to check it, the retrograde movement tended towards those methods of administration, of legislation, and of policy, which reflected the likeness of the middle ages; a matter which was the cause of serious discontent, especially in those provinces that for many years had formed part of the kingdom of Italy. In the lay states the public functionaries were changed, and perhaps, too, according to the custom of revolutions and of restorations, without any restraint of justice or kindness; but in the Pontifical State the havoc was much greater, inasmuch as the ecclesiastics returned to the exercise of those civil offices, which in former times, when society was in infancy, they had filled not without distinction to themselves and advantage to the public, but which now they resumed by mere privilege of caste. It is manifest how much evil this must have caused to the laity, how much jealousy towards the clergy.'—Vol. i. pp. 6—8.

Pius was succeeded by a much abler man, Leo XII. Leo boldly faced the danger; and with no hesitating or inconsistent purpose, tried what could be done by a uniform return to the old methods of government.

' Being resolved to change the policy of the state, and bring it back, as far as possible, to the ancient rules and customs, which he thought admirable, he set about carrying these plans into effect with a persevering anxiety. Owing to him, the authority of the Congregations of Cardinals was restored, and many ancient practices and methods of the Roman Court were re-established. He gave countenance and protection to every kind of religious congregation and pious confraternity; by the Bull *Quod divina sapientia* he appointed that education should be brought entirely under the ecclesiastical hierarchy; he determined to have all institutions of charity and beneficence administered and governed by the clergy; he confirmed and enlarged the clerical exemptions, privileges, and jurisdictions. He took away from the Jews the right to hold real property, binding them to sell what they possessed within a fixed period; he recalled into vigour, to their detriment, many offensive practices and barbarous customs of the middle age; he caused them to be shut up in *Ghetti* with walls and gates, and he put them in charge of the Holy Office. The result was, that many wealthy and honourable merchants emigrated to Lombardy, to Venice, to Trieste, and to Tuscany. *He dissolved the board which superintended vaccination*, and quashed its rules; he gave unlimited power to appoint *majorats* and entails; he abolished the collegiate courts which administered justice, and instead of them instituted pretorships, or courts of a single judge; he reduced the municipalities to dependence on the government, changed the denominations of magisterial offices, made stringent game and fishery laws, enjoined the use, or to speak more truly, the torture, of the Latin language in forensic speaking and writing, and in the universities.'—Vol. i. pp. 20, 21.

Leo's vigour and courage, which excite the respect of the liberal historian, were by no means without their benefits; but

their very success, commensurate only with Leo's lifetime, but showed more clearly the weakness of the system.

'Truth requires me to relate, that, in the reign of Leo XII., and under Bernetti's administration, some good and useful acts were done. There were abuses removed, and persons guilty of them punished; endeavours were made to set in order the hospitals and charitable institutions of Rome; streets, bridges, and other public works, were completed or commenced; general security was re-established in those districts that had been plundered by brigands; method was introduced into the expenditure, and the land-tax was diminished by a third; a sinking fund for extinguishing the public debt was established on an adequate basis. These were benefits which might have gained for the papal authority the strength both of gratitude and of love, if, when the people were presented with them, they had been gratified simultaneously with those institutions and those civilizing laws which others, even though subjects of absolute monarchies, enjoyed; and if they had not been accompanied with superfluous severities and acts of political injustice. . . . And those extravagant assaults upon the liberals, that practice of clothing inquisitors with the long robe and judges with the cowl, that mixing up religion with politics, and ecclesiastics with police officers, that placing the throne upon the altar, rendered the government and the clerical party odious to persons of refinement, to the youth hopeful of the future, to the cultivated laity, which revolted in heart against the domination of the clergy. And because that public opinion, by which governments acquire stability or fall, forms itself out of the sentiments, the likes and the dislikes, of that very description of people, and not according to the sympathies and the notions of the stupid and indifferent multitude; hence it happened that everything abusive was stated and believed, about Rome, and the cardinals, and the government of priests. These circumstances kept alive the disposition to conspire, and paved the way for the excesses both of friendly and of hostile factions.'—Vol. i. pp. 28—30.

Of the methods employed by Leo to stop the evils of the time, the following is given as a specimen:—

'Cardinal Rivarola surrounded himself with *gendarmes* and spies, encouraged informers, set on foot secret inquisitions, published a proclamation which prohibited going about at night without a lantern in the hand, under pain of such sentence as the authorities might please, and imprisoned persons of every age, class, and condition. Then, on the 31st of August, in the year 1825, he sentenced five hundred and eight individuals. Of these, seven were to suffer death; thirteen, hard labour for life; sixteen, for twenty years; four, for fifteen years; sixteen, for ten years; three, for seven years; one, for five; one, for three; six were to have imprisonment for life in a fortress; thirteen, for twenty years; twelve, for fifteen years; twenty-one, for ten; one, for seven; four, for five; two, for a single year; two were banished for life. Two hundred and twenty-nine were punished by surveillance and the *precetto politico* of the first order; one hundred and fifty-seven by that of the second order. The first of these bound the party not to quit his native town and province; to return home within an hour after sun-set, and not to go out before sun-rise; to appear before the inspector of police every fifteen days; to confess once a month, and to prove it to the police by the declaration of an approved confessor; and lastly, to perform every year the spiritual exercises for at least three days, in a convent to be chosen by the bishop. The penalty for disobedience was three years of labour on the public works. The *precetto* of the second order was a little less severe, and the penalty for deviation more lenient. The sentences of death were afterwards commuted for perpetual imprisonment. Of the five

hundred and eight condemned by Rivarola, thirty were noble, one hundred and fifty-six landed proprietors or traders, two priests, seventy-four public functionaries, thirty-eight military men; seventy-two were doctors, advocates, engineers, or men of letters: the rest artisans. The sentence was grounded upon simple presumptions of belonging to the liberal sects, and it was pronounced by the cardinal *a latere* without any sort of guarantee, whether of defence or of publicity, and without any other rule than the mere will of a cardinal sitting as judge. There followed a Proclamation, in which a free pardon was declared for all those members of the sects who were not included in the sentence; but if they attached themselves to those bodies afresh, they were to be punished even for the offence which had once received pardon. And lastly, it was provided that, from that time forwards, the heads and propagators of sects should be punished with death upon simple *ex parte* evidence; those who kept arms, emblems, or money, with twenty years of labour on public works; those simply associated, with ten; and lastly, those who, knowing or suspecting the existence of a sect, or the connexion of an individual with one, should not give information, were to be punished with seven years of the galleys.

'After this burst was over, Rivarola appeared to grow gentle, recalled here and there an exile, did another act or two of grace, declared he had it at heart to reconcile political factions, and in proof of that intention, had a strange plan, that in Faenza, a city afflicted more than any with party quarrels, there should be celebrated, by way of example to the public, various marriages, for which he paid the dowry and the charges.'—Vol. i. pp. 21—24.

But this merciless abuse of the judicial office is really a light evil, compared with that savage spirit of faction which the government scrupled not to elicit and employ. Vigorous, and what to bystanders seems cruel repression, may be carried on upon some sort of principle, even though in its exercise the laws, not only of humanity, but of truth, are broken without much scruple. But the deliberate sanctioning of the spirit of civil feud is such a deadly blow to the existence of society, that on no principle that a government could dare to avow can it be justified. That fierce sects existed in the Roman states was, indeed, a terrible evil; that the opposition to government took the shape of conspiracy, aiding itself by secret societies, was a serious danger. But the Roman government did their best to legitimate and perpetuate this fatal temper, when it used the like instruments on its own side, and allowed them to dignify themselves with sacred names. Against the liberal *Carbonari* were arrayed the *Sanfedisti*; the crimes of the one were imitated closely by the other: the dagger of the one was to achieve liberty; of the other, to maintain the Catholic faith.

The beginning of the *Sanfedisti*, under Pius VII., is thus related, and commented on:—

'The Pope formally condemned, and smote with an anathema, the sect of the *Carbonari*, which was spreading in the States of the Church, and the Court of Rome allowed the formation of the hostile sect of the *Sanfedisti*.

¹ There had existed anciently a politico-religious association called the

Pacifici, or the *Santa Unione*, which took for its motto the text of the Gospel, "Beati pacifici quia filii Dei vocabuntur," and was sworn to maintain the public peace at the risk of life. Perhaps in its origin Sanfedism was the development and amplification of a scheme of this kind: its professed object was, to defend the Catholic religion and the privileges and jurisdictions of the Court of Rome, with the temporal dominion and the prerogatives of the Papacy, as well from the plots of innovators as from the aggressions of the Empire. . . . It was, or seemed to be, national, by opposing the influence of the Empire. Those who held high office in the Church or in the State,—those who were in esteem for property, for high birth, or for wisdom,—those who were conspicuous for well-ordered life and firm belief, should have been the natural governors and moderators of the society; but since all human designs deteriorate as they go into operation, so it easily happened that rank and dignity were held sufficient without merit and learning, fortune without the habit of employing it properly, nobility of origin without nobility of mind; and that hypocrisy assumed the garb of religion, covetousness of loyalty. Hence there were many knaves, many impostors, and many scoundrels, who made use of the influence of the society for their personal advantage. Time brought about modifications, and Sanfedism grew worse while it grew older, as will presently be seen. In the mean time it is well to fix the mind on this association, which held absolute and extreme principles together with retrograde political aims, and to place it in comparison with the sect of the Carbonari; we may then well conceive how many feuds, and what standing conflict, must needs have been the result. . . . It is but too true, that *Sects in opposition* are indispensable, more than elsewhere, in Lower Italy, where conspiracy must remain a second nature, as long as governments disown publicity and parliaments, which are its only genuine remedies; too true, that such Sects work ill in our times, and can never work really well: but Sects in aid of the executive power are always and everywhere unnatural and anti-rational; they lead governments into a course of excess, and so to destruction.'—Vol. i. pp. 10—13.

In the time of Gregory XIV. things had advanced; and an armed and secret association was set on foot by cardinals and ecclesiastics, which was allowed to take law into its own hands throughout the cities of Romagna:—

'It was in danger from the Liberals; in the French it had at best but doubtful friends; Austrian aid was doubtful and perilous, the heterodox Powers suspected. Sanfedism, orthodox in politics as in religion, thought itself equal to sustaining and defending the fabric of the Roman Government by augmenting and training in military discipline the actual force of the sect, and all who on religious or political grounds sympathised with it.

'Hence came the idea of a soldiery to be called Centurions, a most ancient institution of the States of the Church, mentioned by the chroniclers, who condemn its working, and eulogize Sixtus V., among other things, for having destroyed it. . . . So at this juncture, in defence of the Government, when Cardinal Bernetti was Secretary of State, these Centurions were reproduced. Not indeed that I think the minister had any merely factious aim, or proposed to employ them except in the way of legitimate defence: but I well know and affirm that they were principally used and abused for the annoyance of the liberals; it being in the nature of the spirit of party so to blind men, that they think governments can only be defended by injuring their enemies. Cardinal Brignole, who had come to Bologna as Commissioner Extraordinary instead of Albani, showed great zeal in the foundation of this secret militia, which remained in the condition

of a clandestine society in the Marches, in Umbria, and in the other Lower Provinces; but in the four Legations they assumed the name and uniform of Pontifical Volunteers. These Centurions and Volunteers obtained their recruits amidst the meanest and most criminal of the people. They had the privilege of carrying arms; were exempt from certain municipal taxes; and were influenced by fanaticism, not only political but likewise religious, because certain Bishops and Priests enrolled and instructed them. In some towns and castles they domineered with brutal ferocity; at Faenza particularly, where Sanfedism had of old struck deep root, they scoured the place, in arms to the teeth, like a horde of savages in a conquered country; the police was in their hands, so that they practised insolence and excess with impunity; the country people and servants resisted the authority of their masters, nor was there any mode of remedy, for those in power were either of the same fry, or else were afraid of the excesses of this dominant faction. It avenged the wrongs of the Government, those of religion, those of the sect and of every member of it, and it lighted up in Romagna a very hell of frantic passions; I have only to add, that these Centurions were also political assassins. I have already told, and I sorrowfully repeat it, how the Liberal sects of Romagna had begun at an early date to imbue their hands in the blood of their party opponents. The example was fatal: blood brought forth blood. The Carbonari, execrable deed! had treacherously shed it under the pretext of freedom and of patriotism: the Centurions were greedy of it for the honour of Mary and of the Vicar of Christ; a twofold and a threefold abomination. Oh! may it please the mercy of God, that all parties may imbibe the persuasion, that no enormity is necessary or advantageous to the cause of nations, of the masses, or of Governments.'—Vol. i. pp. 71—73.

The turbulence which was made the excuse of such vile expedients, was, as it could not fail to be, perpetuated and inflamed by them. This excessive severity of persecution, brutal as it was, and not now the same powerful instrument that it once may have been, because civilization now 'will not permit effectual extermination,' might yet in vigorous hands have enforced temporary tranquillity; not so when the lawless sects of revolutionists found the government willing to play the same game as themselves. At the beginning of Gregory's reign, though, as the writer tells us, the times were so degenerate that while there was no calm or security, even the factions were not boisterous, such was the miserable state of society, that there had 'been no 'peace for fifteen years in the Pontifical State, where Prince 'and people lived in continual suspicion the one of the other, 'and where contending sects were engaged in alternate efforts at 'mutual destruction.'¹ Thus it was when Gregory began; under him there was violence enough at least to wipe away from the time the charge of degenerating from the ancient bitterness of Italian factions. With the same or worse obstinacy in the court in evading the real duties of civil government, there grew daily, and with daily aggravation, the reasons and the pretexts of mutual hostility between itself and the discontented

¹ Vol. i. p. 39.

part of its subjects: daily each side found itself with fresh and greater wrongs,—more unable to forgive, and more resolved not to spare.

In his account of this pontificate, Farini does perfect justice both to what was wise and beneficial, or what was tolerable and excusable, in the organization of the court and government, of which he gives a curious and detailed account,¹ though on this head his condemnation far outweighs his praise—and also to the private virtues both of Gregory and his minister Lambruschini. He bears witness to the learning and the simplicity of the Pope, to his zeal, his prudence, and conciliatory spirit in managing the affairs of the Jesuits in France, and especially, the dignity and courage with which he confronted the Emperor of Russia. And to Lambruschini, though he charges him with the full responsibility of the policy of that unprosperous reign, and with the imperious and haughty temper which could endure no rival, he gives full credit for his devotion to the Church, and speaks of him invariably as of one who had always commanded the respect of honourable antagonists. But his administration, like that of his predecessor, Bernetti, was powerless for anything but harsh repression; a vigorous and perhaps able one, if there had been nothing to amend, and amendment had not been the most sacred duty. There was a famous document presented to the Papal government in 1831, which bears the most fatal testimony against its fitness and its willingness to govern. In that year, alarmed for its very existence, the ministers of the great powers earnestly and solemnly urged on it the necessity of placing its power on a 'solid basis, by means of timely ameliorations.' They spoke of these ameliorations as changes which would realize Cardinal Bernetti's promise of a 'new era' to the Pope's subjects, and of the necessity of securing them by internal guarantees against the vicissitudes of an elective monarchy. These ameliorations touched the great springs of society. The ministers recommended, first and foremost, a reformed administration of justice, according to the as yet unfulfilled promises of 1816,—a wise system of partial self-government for the towns and the provinces,—in the finance, an order and responsibility which had never yet existed,—and, further, the admission of laymen to judicial and administrative functions. These were not the demands of Liberal conspirators. They were not the device of the constitutional powers of Europe. This was the remonstrance and advice, not only of France and England, but of Prussia, of Austria, and of Russia, and 'was urged on the Pope for adoption by the Austrian ambassador, Count Lut-zow.'² How it was attended to, the narrative of these volumes

¹ Bk. I. c. xi.

² Parl. Papers, Italy, 1846-7, pt. i. p. 126.

shows. The changes reluctantly made were soon withdrawn. A pretext was found in outbreaks which the Government punished with indiscriminate severity :—

'The Pontifical Government seemed to bind bad and good in the same bundle ; they said, according to the parable in the Bible, that they wished to separate the chaff from the corn, but they trampled all without judgment or charity, and acted under that blind impulse which the weak always follow, thinking that they are acquiring strength when the fever of alarm is upon them. Every penalty which, either from its kind or its amount, passes the bounds of necessary defence for Government and society, and of the satisfaction that the offence against morality demands, not only becomes odious, but produces an effect the very reverse of that at which legislators aim. And punishments for political causes ought, as a general rule, to be lenient for the greater part of offenders, and not to touch too many nor to be too much prolonged, otherwise they carry an appearance of excess, vindictiveness, and cruelty, and they sustain and quicken that spirit of rebellion which they are meant to exhaust and to extinguish. Already numerous were the exiles of the Papal States, not few the prisoners for plots old and new, for revolts and for disturbances. Were not these enough ? The Government had on its side French, Austrian, native troops, two Swiss regiments, the Volunteers, and the Centurions ; and, further, it was set at ease both with respect to the pacific tendency of the policy of France, and because the spirit of its enemies was cowed by recent defeats and by egregious disappointments. It had, then, nothing to fear ; yet it resolved to punish to excess, and to punish, perhaps, yet more, the mere aspirations of youth, than acts really seditious. It determined to close the universities, and it gave licence to private persons, in the small towns and provincial cities, to teach the sciences ; it inhibited youths, although minors, who in 1831 had borne arms, from completing their course of studies and taking degrees ; it repelled many from the courts of law ; against many more it closed every career of honour ; and thus it cast the whole of a new generation into the Sects and their conspiracies. It dissolved the Municipal Councils nominated towards the end of 1831 ; it imprisoned and condemned those who had made efforts to resist their dissolution, and it turned the representative bodies into servile assemblages of needy, ignorant, and factious individuals. No person, who was in bad odour as a Liberal, (and in the estimation of the Sanfedists little was needed for the purpose,) could keep an office, whether under Government or Municipal, or could obtain one if he asked for it, or could represent either municipality or province. Thus they swelled excessively the numbers of those that were called the excluded, and that might well have been called, in a political phrase of the Florentine Republic, "the warned." Besides this, no more was thought of the reforms and institutions indicated in the Memorandum of 1831.— Vol. i. pp. 75—77.

The goading unfairness of the judicial administration still continued ; and the finances were left to the conscience of their officers :—

'The judicial department was not rectified according to promise, codes were not published, an ill-patched penal statute was enacted, in which there were merciless punishments for the crimes which were called treasonable, or which might be so construed. There exists a confidential circular of Cardinal Bernetti, in which he orders the judges, in the case of Liberals charged

with ordinary offences or crimes, invariably to inflict the highest degree of punishment. The judges seconded all this from passion, if they were of the colour of the sect, or else from fear, or from venality. The police was all faction in some places, and an agent of police caused more alarm among the inhabitants than a highwayman; those bullies, uniting with the Centurions, would pluck out the very beard or moustache of the citizens, they would not let the Liberals indulge in shooting or any amusement, they refused them passports, pried into their families, and used force against their domiciles and persons, with incessant and minute searches. Meanwhile, the administration of the public revenue remained, as of old, without method and without audit; ruinous loans were contracted; ruinous leases of public revenues were given; trade, instruction, and industry, suffered not only neglect, but discouragement and deterioration.—Vol. i. pp. 77, 78.

'Miserable,' says the historian, 'were those first years of the reign of Gregory, and not only infested by revolts, intestine feuds, and the bitterness of faction, but likewise by the casualties of nature.' In the summer of 1832, storms and hail such as had not been seen within the memory of man destroyed the crops, tore down the trees, and wasted the fields of Romagna. Earthquakes were frequent in those years. Men's minds were filled with terror. In 1833, and again in 1837, cholera raged destructively at Ancona and Rome, and for a moment awed into stillness the ferocity of the sects. The years 1839 and 1840 were marked by extraordinary and devastating inundations: visitations, all these, which were not confined to Romagna; but the historian only reflects the feeling of the time when he interweaves them with the story of social unhappiness, which always makes men mark such scourges, when they coincide with it, as more direct and solemn chastisements.

And such was the state of things which continued through the reign of Gregory. Meanwhile, among the Liberals, that is, those who more or less boldly set themselves against the government, there was going on a gradual clearing up of their aims, and a growing definiteness of plan and intention. The Liberals of 1830 in the Pontifical State were

'for the most part, either followers of Voltaire or indifferentists in the matter of religion, materialists in philosophy; almost all of them Constitutionalists in politics, some in the French fashion, others in the Spanish. But, whether unitarians or federalists, few of them had any well-defined conception, either philosophical or political, or any true and comprehensive idea of nationality. The greater part of them thought chiefly of what they had to pull down, about building up they meant to think afterwards; only anxious, to speak plainly, that in the mean time the priests and the Sanfedists should be well beaten, and their odious government done away with.'—Vol. i. p. 33.

Not so the body formed and directed by one who was, perhaps, never exceeded by any founder of an order, in his self-devotion, perseverance, and patience—Mazzini :—

' But these, and other like considerations, did not restrain Giuseppe Mazzini from founding a new clandestine Association, which was intended, not only to absorb and to recast the sects formerly existing, but to extend them, bind them to one another at home, and to himself as their head abroad. To this new sect he gave the name of *Giovine Italia*, as if in token of a new creed and new objects; and he designedly shut out of it every man that was more than forty years old, to show that he based his calculations on the buoyant enthusiasm of youth, and *not* on judgment and experience. He enjoined obedience, and surrender of will and of strength, on the part of every member, to the orders of their chiefs; he arranged that all should have arms, ammunition, and military training. This *Giovine Italia* was a mixture of Germanism and of Christianity, of Romanism and Mysticism, through which the old and purely political Sects were transmuted into an association, in part political, in part social, and in part religious. The Carbonari, it is true, were for the most part either indifferentists or followers of Voltaire, but that old sect bore more enmity to the priests, than to the religion of our fathers; the new one had a positive religious faith, not avowed, it is true, or determined, but in substance heretical with reference to the Roman Catholic creed. And as in philosophy and in religion, so likewise it was positive in politics, whether with respect to an organization for the nation, or to the form of government, or to its social institutions; choosing as its idol Unity for the first, a Republic for the second, and pure Democracy for the third.

' War then was to be waged upon all the Governments and upon all the Princes of Italy; war upon the very idea of a Prince or of a Monarch; war upon the Austrians; war upon Europe, the guardian and avenger of treaties. *Giovine Italia* begged the *obolus* out of the lean purses of the refugees—such were its revenues; it enlisted on foreign soil, with an oath of life and death, Italian exiles and young Poles, fearless for their lives, and forward to expose themselves to conflict—such were its armies; it conspired with the republicans of France—such were its allies; it despatched conspirators and agitators into Italy—such were its ambassadors and diplomatists. And as if its movements to and fro, its levies of money, its purchases of arms, and its other numerous indications, any single one of which is more than enough in the eyes of a modern police, did not suffice to give an inkling of its machinations, this *Giovine Italia* printed a Journal, in which the principles and aims of the association were frankly declared.'—Vol. i. pp. 81—83.

But Mazzini's first attempts were failures; and the enthusiastic and visionary ideas of his sect, its democratic elements and purpose, and its unscrupulousness, had further discredited him with the more educated, more refined, and more moderate classes, who equally wished for great changes. About 1844 Balbo and Gioberti began to write:—

' The leading idea of the book of Balbo was that of independence; while Gioberti chiefly affected and recommended all practicable modes of conciliation, and thorough concord of the people with their Princes. He taught, that Sects and partial insurrections would not forward, but retard and obstruct, the recovery of Italy; that the Catholic Religion was not opposed to any honourable plans for freedom, but blessed and sanctified them; that the Italians should revere and jealously preserve it as their chief, their sole, their inexhaustible treasure, amidst the great miseries of their country; that her fortunes ought to be restored, but by honourable and virtuous means; that the sanctity of the end does not justify measures in themselves

unrighteous ; that the concord of the various classes with one another was indispensable, and also the concord of the Princes with their subjects. All this would be gained, if the Liberals would give up their fruitless plots, their irreverence towards the Church, their assaults upon Royalty ; and if the Princes would reform their civil and political systems and laws, as the times and the judgments of the wise required. But, in a word, there was wanting, if I may so express myself, a political conscience—a faith on which enlightened minds and well-disposed hearts might rely,—a system that would define what was possible, and declare what was probable, in respect both to means and ends, and would form a training both for the understanding and the feelings. The books, of which I am speaking, had this effect upon all the men of a certain grade in age, judgment, knowledge, and character, being in the main those by whose influence public opinion is shaped. It appeared a great gain, and a great comfort, to have it proved that men might be liberal without being irreligious ; might love their country, and labour for its good, without offending the eternal principles of justice, and without being surrounded by continual dangers ; that they might believe in good without producing evil, believe in the resurrection of Italy without renouncing their reason, and take this for their guide instead of chance. But the *Giovine Italia* began to bristle up, and censured these famous works, with their no less famous authors. The sects, too, remained, but the sectarian temper was everywhere softened ; the reformers soon became more numerous than the revolutionists : an attainable end had been pointed out, and all eyes that could see regarded it with eagerness : their means, their advances, their order of proceeding, were elucidated ; and thus materials and an aim were supplied for the diligence of the well-disposed.'

—Vol. i. pp. 103—106.

In June, 1846, Gregory died. The Pontifical government had been restored for more than thirty years. During that time it had enjoyed, not indeed quiet, but under the guarantees of treaties, and the support of all Europe, perfect safety. At this time what was the condition of the population specially entrusted to the care, temporal as well as spiritual, of the Roman Court ?

Without dwelling on matters of political economy and wealth, we have before us the following summary, drawn up apparently with all due firmness and discrimination, of matters necessarily affecting the moral habits and character of the people.

In the country the people did not complain. 'The country 'people,' says Farini, 'were everywhere peaceful, devoted to 'the head of their religion, reverent to the priesthood, only dis- 'contented at paying too much. The minor clergy, whether of 'the capital or of the provinces, were single-minded, little in- 'structed, given to complain of the abuses of Rome and of the 'badness of the government, and, with few exceptions, neither 'turbulent norim moral.' But the hangers-on of the court, more 'foreign than Roman,' were 'false, hypocritical, sectarian, and 'factious.' The lower class in Rome, 'perhaps attached to the 'Pontiff, but little to the Prince, and not at all to the government,' 'were rude and turbulent : in the provinces, they were sectaries

and ‘daring partizans.’ The middle class was small, and discontented. The nobility at Rome were reverent to the Papacy, but jealous of the exclusive power of the clergy ; and in the provinces, ‘ disinclined or positively hostile to the government, or else indifferent.’ In general, the government ‘was far from strong in the attachment of its subjects or in public opinion.’ But the following circumstance calls for special attention : of itself, it tells a whole story. Not individuals, but whole bodies of men, were under punishment :—‘ Thousands upon thousands of citizens were what is called *under warning* : these were interdicted from all offices of honour and emolument, whether under government or in the municipalities. The number of families, who, after 1831, were persecuted for political causes, by the government or the Sanfedists, was very great. The exiles, with those proscribed and under sentence, amounted perhaps to two thousand. The military commissions were permanent.’ In the promised reforms of justice and finance nothing had been done. It is scarcely surprising that such a government should be ‘the object, abroad, of sharp reproach and sarcasm, and that the diplomatic body stood in dread of insurrection and revolution.’

Such a state of things was indeed both scandalous and formidable. At the very time when the Church of Rome was drawing deep and earnest attention throughout Europe to her religious claims—at the very time when, after the indifference or hostility of the last century, a strong reaction in her favour was setting in,—at the very time when it was becoming the fashion, even with liberal writers, to be not only dispassionate but indulgent,—at the very time when she was rising more and more to the height of her ancient spirit, and her advocates were eagerly maintaining that not only all truth and high morality, but all civilization, all enlightenment, all art, all social order had flowed from her, and were dependent on her,—at the very time that they were arguing for the necessity of her temporal power, and even suggesting her claim to the guardianship of law and justice between nations and kings,—coincidently with this remarkable change in opinion and language on her religious aspect, and this progress of her own spiritual pretensions, and inversely with it, her temporal government was becoming more intolerable and infamous. There was nothing to save her responsibility. She was independent; her ministers had exclusive and absolute possession of power; her population was devoted to the religion which she taught, and had ever been so; her presence was in itself their highest boast. And yet the Roman government was, not only in matters of material prosperity, but in those of truth, and justice, and mercy, the worst in Europe.

Yet, even in this respect, it seemed as if at length the Roman Church was going to show its power, and make good the boast of its modern champions. Undoubtedly the accession of Pius IX. was a time of the most singular and exciting interest. His attempts, and their results, first, to remove the plain abuses of the old system, next, to give an essentially new organization to his government, are the subject of the remainder of the volumes.

The narrative is given in great detail, and has every appearance of truthfulness. Each step in the history is noted, from the conclave to the amnesty, from the amnesty to the plot, from the plot to the constitution, from the constitution to the Austrian war, from the Austrian war to the Triumvirate. Each turn in the popular mind is watched and put down; each procession and fête, with their peculiar symptoms, what they arose from, and what they portended. Each personage is scrutinised and weighed, as he appears on the scene; his merits and his motives adjusted with care, not with any great breadth of effect, but as if they had been actually seen and thoughtfully observed. Towns, parties, cliques, journals, are discriminated with equal care, and the degree marked, in which the opposite elements mixed up in this singular passage of history were a drag or a stimulus to one another—how in the same person, the Cardinal jarred or coincided with the Minister, the Italian with the Roman, the Liberal with the Catholic, the Prince with the Pope. It is on this minute exhibition of character, and of the various shades of the movement, that the interest of the book depends; for, as a narrative, partly it may be from the nature of the events themselves, it is deficient in concentration and force.

The first measure of Pius IX. was, without doubt, as wise as it was popular. With 'thousands upon thousands under punishment,' for political offences, there was no beginning anew without a fresh and clear start. It was the act of a considerate and merciful ruler, and might well have been that of a far-sighted one. Nor is there much to criticise in the rapturous enthusiasm with which it was received by the Italians. At such an omen, and such an act of grace, cheering so many hearts, the most serious and thoughtful might allow himself to be carried away by the unaffected gladness and pride of the hour. The amnesty and the rejoicings which greeted it are the only point on which it is possible to dwell with satisfaction, in this melancholy, yet most grotesque history.

But the clouds began to gather immediately. That exaggeration of sentiment, in its external acts leading, perhaps, only to childish folly, but the too sure symptom, in grown-up men, of hollowness and want of truth, soon made its appearance. Many

of the exiles made professions of extravagant gratitude, like Galletti, the future republican minister, ‘ who swore at the feet of the Pontiff, by the heart’s blood of himself and his children, ‘ that he would be grateful and faithful; and made himself conspicuous by declaring, through the press, the strongest sentiments of the same kind.’ The Jesuits, though more backward than the other orders, celebrated the amnesty by ‘ appointing ‘ to be held in the Church of S. Ignazio, a grand literary assembly, under the title of the Triumph of Mercy;’ not without exciting the murmurs of the city, ‘ both at the lateness of the demonstration, and at some of the compositions which were ‘ read at it.’ ‘ There was a kind of plot in which all were implicated, to make soft speeches and keep holiday.’ Exorbitant adulation seemed the only means of relieving the public mind from its burden of delight. ‘ Every little act of good was magnified and exalted to the skies. Every one took pleasure in blinding himself and others, and public opinion learned the accents of a court. If the Pope revived the Academy of the Lincei,¹ the Members of the Arcadia chanted, Marvellous! even as if he were opening a parliament of civilization for the whole world. If he permitted industrial associations, evening schools, infant asylums, reading rooms, it seemed a miracle. If he gave it to be understood that he did not object to scientific meetings, the crowd of the half learned, to whom this ‘ puffing age distributes chaplets, blew the trumpet of Fame forthwith.’ ‘ All the journals sang a chorus of his praises: any man that did not do the like, and join in the general rejoicing, was pointed at with the finger.’ ‘ Interminable odes of poetasters, and discourses of puny scribblers—in whose hands all popes and heroes grew dwarfish when compared with Pius IX.;’ every form into which pedantry and folly could twist flattery, every prank which ‘ merry and addle-headed politicians’ could imagine, abounded. If the Pope visited a church, if an anniversary came round, or if the weather was fine and men in high spirits, demonstrations were got up, processions went to the Quirinal to cry Viva, and fire-works were let off. In the towns, parties of ‘ Gregorians’ and ‘ Pians’ were formed. ‘ The name of Gregory became a by-word of abuse, but that of Pius, with his likeness and his shield, became the fashion. Besides these, there were a thousand of those little follies through which men lose their senses, and, in jest and unawares, fan the accursed flame of civil discord.’

The amiable Pope looked on complacently, with smiles and blessings. ‘ *Perhaps*,’ says the cautious, and not unfriendly his-

¹ The earliest scientific society of Italy, founded by Galileo.

torian, ‘he too was self-deceived, and exulted in the universal ‘exultation, with the reverent homage which was paid him by ‘his subjects, by all Italy, and by strangers.’ The actual business of the Government, meanwhile, was going very wrong. In its control it was slack and feeble. Very soon ‘there were noticed certain signs of an ill-disposition, and certain greater signs of remissness in the Government, and of an unruly temper in the people.’ ‘Malcontents, aware of the gentle temper of the ‘Prince, and the laxity of the Government, ventured more than ‘they would probably had dared under Gregory.’ Much was said and promised about Reforms—much praise given by anticipation for them: and extremely little clearly seen, as to what was necessary and how it was to be done, either by the Pope, or his Liberal flatterers. On the one hand,—

‘Pius IX. and Cardinal Gizzi, aware of these difficulties and dangers, and by nature given to hesitate, would not proceed in haste, for fear of furnishing matter rather for quarrel than for union, and accordingly they conducted themselves rather with a view to inspiring the innovators with a persuasion of their disposition to effect reforms, than so as to exasperate, by real and prompt acts of reformation, those who were averse to them. For this purpose it was, that they nominated commissions to deliberate and advise upon many and very various subjects; and that Cardinal Gizzi wrote letters of the 24th of August, to the Presidents of the Provinces, directing them to invite the municipal magistracies, the ecclesiastics, and all respectable citizens, to consider and suggest the most suitable schemes for popular education, and especially for the moral, religious, and industrial instruction of the children of the poor. But this practice of talking much and doing little, of showing a disposition to innovate, and letting all plans of change be strained through a series of discussions and of congregations, was not good for the Pontifical State. Whether because this country was too far behind others in the path of civilization, or because the people had too little patience and too sanguine anticipations, such a method of proceeding begot an excess of hopes on the one side, and of apprehensions on the other, and left open that boundless field of conjecture, over which the mind of man, when eager in expectation, wanders without a guide. Already the Liberals had conceived boundless desires, and the Retrogradists were haunted with unreasonable fear. The Government had, to-day, to moderate on the left; to-morrow, to re-assure on the right; then, with fresh circular despatches, well nigh to scold men for hoping too much, and, in seeming at least, to contradict and stultify itself, and to lose its presence of mind.’—Vol. i. pp. 186, 187.

On the other,

‘Liberal opinion seemed more inclined to skim lightly the fields of fancy, and to pull delicate exotic flowers of freedom, than to work out, with steady will, measures of practical reform; and the Court, tenacious of the privileges and the temporal possessions of the clergy, looked complacently upon this levity of liberalism, and upon the intoxication of the public from joy. This intoxication grew in such a way, that it had become the habitual mood of the spirits and the understandings of the generality; and it seemed as if altering the constitution of a State was a game of capering children, or a carnival freak, and not a task of men in earnest. But that incessant summoning of the people

into the streets, and their assembling, was such a sign of rankness in their vitality, and such a stimulus to their southern temperaments, as made it easy to conclude that, at a more advanced stage, there would be a change of humour for the worse; and that easy indifference of the Government was of no good omen in regard to the future, either for its own authority or the public security. And who could have checked this utter *ebrity*? . . . At that time all restraining counsels, all serious warnings, were held cheap, as bugbears from the minds of alarmists, and auguries of ill-willed prophets. Former Governments had used to give encouragement to the triumphs of singers and dancing girls, to pastimes, harlequinades, the lounges, and lounging processions, of one kind; hence it was an easy matter to fall in with the habit, and to bring into fashion triumphs and mountebanks, lounges and shows of another kind. In Rome especially, where idling is a habit with many, where spectacles are highly popular, where the people are going in procession all the year round, it was more easy than elsewhere to turn bacchanalian spirits to a political end, and to change religious into political processions. And in Rome especially, popular agitation was of moment; because from thence went forth impulses and examples to the Provinces. The pious Pontiff, who, since the amnesty, had probably remarked not only a greater respect to sacred persons and things, but likewise an unusual, or at least an increased, resort to the observances of public worship, rejoicing in the reconciliation of souls to God, gratified, too, with that of subjects to their Sovereign, was readily tolerant of their superlative manifestations of gratitude and merriment. And it is no more than the truth, that the accents of pardon, descending from the chair of Saint Peter upon the souls of men, had reunited many to their God; the humanity and the compassion, of which the Vicar of Christ set a bright example, had revived the religious sentiment; and numerous were the consciences encouraged and tranquillized by the benediction of a Pope friendly to the advancement of Christian civilization.'—Vol. i. pp. 207—209.

And so after a year had passed, little had been done except to enfeeble and disorganize the Executive Government, and to encourage men in thinking it the necessity of the times, to play unnatural and incongruous parts:—

'A year had now passed since Pius IX. had mounted the throne. The Government had acquired a character for boldness in innovation, although, in reality, it had done little to renew either institutions, systems, or men. The Finances, Justice, Public Instruction, the Military Service, Commerce, all these principal departments of the State were still administered and directed as in former times. The Commissions indefinitely prolonged their labours. The practical anomalies of the former system still continued. Questions of form absorbed the minds of men, while little was thought of the substance. The appetite of the Liberals was sharpened from day to day by the stimulants of the press and of the popular assemblages. The old Government, virtually condemned by the new, had fallen without the new one's founding itself firmly on any ground of its own; it lived upon the mere credit which was lent it by the opinion of the Liberals. It was, therefore, in the discharge of its functions, hesitating and remiss, while the popular action was lively. The country had always had a Government incapable of training it, because itself ill-trained; still, up to that time, there had been material force adequate to the business of repression. Now, that system had come to an end, and unruliness bore sway; both the governors and the governed were in the hand of chance. The official servants of the Gregorian administration, who all, or nearly all, were still in office, laboured under great uncertainty as to their own destiny and that of the State.

Accustomed to hunt down the Liberals, and to be hated by them, they now studied to win their indulgence and favour by throwing the reins upon their necks. They apologised for having served Gregory; some of them disclosed the ill deeds of the police in which they had themselves had a hand. Even the Prelates felt the itch for popularity. Yet the merry-makings never ceased. The agitators loved them, as stimulants to the people, which they are; the masses loved them, as the masses always love spectacles; the Government began to mislike, but did not dare to discountenance them.'—Vol. i. pp. 223, 224.

The sort of men who came to be of importance were an evil omen. The Prince of Canino traversed Italy, as the preacher of the new era:

'Carlo Luciano, Prince of Canino, as a Prince of the Roman State—for which dignity he had all but renounced the glories of the name of Napoleon—had always had the power of frequenting the scientific congresses. On this occasion, forgetting his ancient alliance with the Gregorian Cardinals, he came to Genoa, ran wild in praise of Pius IX., and gave it to be understood, that he was commissioned to invite the men of science to hold a meeting in the Papal States. An accomplished and famous naturalist, he was not content with the sittings at which the natural sciences were discussed, but he went everywhere, held forth everywhere, turned the conversation to politics, lauded Pius IX., insulted the memory of Gregory, and grumbled about the Jesuits.'—Vol. i. p. 194.

A more important man was the notorious Ciceruacchio:

'Angelo Brunetti, known under the name of Ciceruacchio, signalized himself in getting up and managing this popular celebration, which was more imposing than any former one. Already in the earliest public demonstrations, having many bound to him by affection and by favours conferred, he had made himself conspicuous among the leaders of the people. He was a person of single mind, rustic in manners, proud and at the same time generous, as is common with Romans of the lower class. Industrious and persevering, he had amassed something like a fortune; by his generosity and charities, he had gained a species of primacy among the men of his own class, who let out carriages, kept pot-houses, and such like small dealers; he now put these men on their mettle, and fired them with his own enthusiasm for Pius IX.'—Vol. i. p. 192.

Prelates and Governors of Rome 'courted his countenance, and gained hold on his attachment by all sorts of complimentary attentions.' Now, also, journalism, practically set free from all restraints, began to give power and consequence to more than one of the prominent actors in the revolutionary times that were at hand. On the other hand, the ecclesiastics, whom the Pope called into employment, were, for the most part, either men who had no business, from their previous conduct, to be acting in concert with the Liberals; or they were men, who were unequal, from want of sympathy or of talent, to the very difficult work required of them, and who felt themselves to be so. Of this latter class were the Cardinals, who succeeded one another reluctantly in the office of Prime Minister, rather on their obedience as ecclesiastics than with the plans or feelings of

statesmen. On the other hand, such a person as Monsignor Savelli might have been in his place under the old Government, but appears awkwardly in the new :—

' There went indeed before him a character for avarice, rapacity, and harshness. There were stories of his having adopted a determination, at the time when he was Vicar to Cardinal Giustiniani, the Bishop of Imola, that persons guilty of blaspheming should have their tongues bored. It was also said that, when he afterwards became Delegate, he took bribes from the farmers of the state revenues; and, furthermore, that once, when a criminal condemned to death would not settle the concerns of his soul, Savelli, as Delegate, induced him to receive the consolations of religion by presenting fifty crowns to his wife, which, when the sentence had been executed, he took away from her in her bereavement; and that the Pope was so indignant at this proceeding, that he both fined the Monsignore in twice that amount for the benefit of the poor woman, and deprived him of his office.'—Vol. i. p. 170.

Yet this gentleman appears afterwards under Pius IX. as Minister of Police, in which office he is charged with encouraging or at least allowing the formation of an ultra-liberal and democratic club, which came to be the nucleus of the revolution.

' Rarely indeed did popular movements spring from the *Circolo Romano*. There were, however, people whom this moderation did not satisfy, and that could not play the teacher there at their will with good effect. These people, who, notwithstanding, frequented the place, gathered cliques outside it in the warehouses, and in the taverns. There they held forth and there they spread their nets, having it in view all the while to prepare some other place for a gathering, or rather a convention, of the people. This was soon effected; for when, in that month of November, Monsignor Savelli was summoned from Forlì, where he was Prolegate, to the department of Police, he shortly gave permission for the establishment of a club called the *Circolo Popolare*. It was then said, and it was believed, that the Monsignore had thoughts of pitting this new association (which he hoped to control and lead by means of his own agents) against the meeting at the *Circolo Romano*; which gave him annoyance, possibly because it exerted itself in maintaining goodwill, and in restraining passion. It is a fact, at any rate, that the Club of the People sprang up in Rome under the auspices of Monsignore Savelli, or, if this cannot be believed, it was, at any rate, during his administration of the police.'—Vol. i. pp. 314, 315.

It is at this time that we find the rise and advancement of a personage, whose name has eclipsed most others of late, Cardinal Antonelli. He was made Cardinal by Pius IX. on the 11th June, 1847.

' Antonelli had left a bad name at Viterbo for political inquisitions and sentences: but in the offices which he had filled in the Secretary of State's department, he had merited praise for acuteness and diligence; and in the capacity of Treasurer he had succeeded, if not in setting his office and the funds of the State to rights, which was impracticable, at least in checking the disorder in which Tosti had left them Antonelli continued in the office of Treasurer. He, clear-sighted as he was in the highest degree, caught the will of the Pope and the tendency of the

times, and backed the one and the other, in the hope of realizing for himself popularity and weight, for the Court, *éclat*, and for the temporal dominion of the Church, security.'—Vol. i. pp. 222, 223.

He was the president of the new Council of State the following October; president of the still more liberal ministry which succeeded the French Revolution, of which Farini was a member, and which resigned because the Pope would not openly join in the Italian war—a subject on which Cardinal Antonelli showed no disagreement with his colleagues; and all through, a member of the most important commissions for reform, moderating, but far from opposing the proposed changes.

There is indeed a want of reality about all the proceedings, of clearness of head and wish, which explains, if explanation were wanted, why the men of good intentions became the victims of the revolution. Men did not know their own minds; they were partly flattered, partly puzzled, partly frightened by the apparent opportunity of doing some great things, they did not exactly know what, and doing them so easily. No one knew his own mind less than the amiable Pontiff; and as the enormous difficulties of his undertaking rose to view, enormous even if they had not been aggravated by events without, he lost all self-reliance, and surrendered himself to the events or the men in whose power he found himself. There is truth and reason in the following sketch of his character:—

'Pius IX. had applied himself to political reform, not so much for the reason that his conscience as an honourable man and a most pious Sovereign enjoined it, as because his high view of the Papal office prompted him to employ the temporal power for the benefit of his spiritual authority. A meek man and a benevolent Prince, Pius IX. was, as a Pontiff, lofty even to sternness. With a soul not only devout, but mystical, he referred everything to God, and respected and venerated his own person as standing in God's place. He thought it his duty to guard with jealousy the temporal sovereignty of the Church, because he thought it essential to the safe keeping and the apostleship of the Faith. Aware of the numerous vices of that temporal Government, and hostile to all vice and all its agents, he had sought, on mounting the throne, to effect those reforms which justice, public opinion, and the times required. He hoped to give lustre to the Papacy by their means, and so to extend and to consolidate the Faith. He hoped to acquire for the clergy that credit, which is a great part of the decorum of religion, and an efficient cause of reverence and devotion in the people. His first efforts were successful in such a degree, that no Pontiff ever got greater praise. By this he was greatly stimulated and encouraged, and perhaps he gave into the seduction of applause and the temptations of popularity, more than is fitting for a man of decision, or for a prudent Prince. But when, after a little, Europe was shaken by universal revolution, the work he had commenced was in his view marred; he then retired within himself, and took alarm. In his heart, the Pontiff always came before the Prince, the Priest before the citizen: in the secret struggles of his mind, the Pontifical and priestly conscience always outweighed the conscience of the Prince and citizen. And as his conscience was a very timid

one, it followed that his inward conflicts were frequent, that hesitation was a matter of course, and that he often took resolutions even about temporal affairs more from religious intuition or impulse, than from his judgment as a man. Add that his health was weak and susceptible of nervous excitement, the dregs of his old complaint. From this he suffered most, when his mind was most troubled and uneasy; another cause of wavering and changefulness. When the frenzy of the revolution of Paris, in the Days of February, bowed the knee before the sacred image of Christ, and amidst its triumph respected the altars and their ministers, Pius IX. anticipated more favour to the Church from the new political order, than it had had from the indevout monarchy of Orleans. Then he took pleasure in the religious language of M. Forbin Janson, Envoy of the infant Republic, and in his fervent reverence for the Papal person; and he rejoiced to learn, and to tell others, that he was the nephew of a pious French Bishop. At the news of the violence suffered by the Jesuits in Naples, and threatened in his own States, he was troubled, and his heart conceived resentment against the innovators. Afterwards he was cheered, by learning that one of the rulers of the new Republic of Venice was Tommaseo, whom he valued as a zealous Catholic. He had a tenderness towards the dynasty of Savoy, illustrious for its saints, and towards Charles Albert, who was himself most devout. He learnt with exultation, that Venice and Milan had emancipated their Bishops from the censorship and scrutiny of the Government in their correspondence with Rome. It seemed as if God were using the Revolution to free the Church from the vexations entailed by the laws of Joseph II., which Pius IX. ever remembered with horror, and considered to be a curse weighing down the Empire. Where he did not foresee or suspect injury to Religion, he was in accordance with the friends of change. But everything disturbed his mind and soul, which impugned or gave any token of impugning it, or imported disparagement to spiritual discipline or persons. And if from his vacillating nature, and his inborn mildness, he did not adopt strong resolutions, which would have given proof of his uneasy thoughts and feelings, yet they wrought on him in secret, and he had no peace till he could find some way to set his conscience at ease. He had fondled the idea of making the people happy with guarded freedom, in harmony with their Sovereigns; of bringing both into harmony with the Papal See; of a Popedom presiding over the League of Italian States; of internal repose and agreement; of civilizing prosperity, and of splendour for Religion. But events, as they proceeded from day to day, shattered this design. When in the name of freedom and of Italy, and by the acts of the innovators, priests were insulted, excesses perpetrated, the Popedom or the ecclesiastical hierarchy assailed, Pius IX. ceased to trust them: then he began to regret and repent of his own work; then he doubted, whether by his mildness and liberality he had not encouraged a spirit irreverent to the Church, rebellious to the Popedom; then he complained of the ingratitude of mankind, faltered in his political designs, and prognosticated calamity.'

—Vol. ii. pp. 68—71.

Among the difficulties which beset the attempt to make changes in the Roman system of Government, besides those very serious ones arising from the tempers of the people, and the possibility of external events, two apparently insuperable ones show themselves on the surface.

The first is, the presence of Austria in Italy. It was a piece of diplomatic flippancy as insolent as it is untrue, which pronounced Italy to be a mere 'geographical expression.' However par-

celled out Italy may be,—differently governed, and with strong local peculiarities and jealousies, yet history, language, and character, bind all the Italian races together in a natural cohesion and sympathy, which centuries of conquest and occupation have been unable, we do not say, to sever, but even to disturb. The national tie is real and ineffaceable. To judge, at least, from the past, Austria, if she keeps Lombardy for five centuries more, will never make the Lombard care about what goes on in Germany, or prevent him from caring about what goes on in Rome or Naples. To every Italian, however his life and associations may be pent up within the walls of an obscure municipality, all Italy is a country. In every part of it he is at home as he is nowhere else, even though at a distance of ten miles from his native place he may be an exile.

It is therefore quite impossible that any great series of changes can go on in one part of the peninsula, without putting every other part on the *qui vive*. And thus a foreign power cannot acquire territory in Italy, without becoming deeply, and, in its own view, fairly interested in the domestic policy of all the other states; and no one state can be very different in its measures and principles, without affecting, and, it may be, endangering and undermining the stability of the rest. England or France might be as reforming and liberal as they please, without Italians caring about it, except at critical moments. But Piedmont cannot be constitutional without making it more troublesome for Austria to be absolute in Lombardy. And much less could Rome relax from her immemorial rigour, and deviate from her traditions of policy, without quickening in north and south the ideas of change, and being held responsible, by those opposed to them, for shaking the foundations of their power, and of the public tranquillity.

Austria, therefore, can never look with favour on any mode of government in Italy, different from her own in Lombardy; and her government there is a government of conquest. She has never taken root there. She holds by the sword, and by the sword only. Whether by her own fault or that of her subjects, she is compelled to be arbitrary. She has not won them over; she cannot assimilate them; she can but daunt and keep them down. It is neither profit nor pride to them to be Austrians; allow them any liberty, and they would say so. Europe owes much to Austria, as the guardian both of independence and of authority, and as the greatest example, perhaps, in modern times, of tenacity and resolution under adversity. Nor, under her rule, have the rich plains of Lombardy languished, or the thriving population which tills them become impoverished. Between man and man she is, we believe, just and considerate,

and is trusted. Yet it cannot be denied that, politically, she is there as a harsh and mistrustful mistress, with jealous eye and heavy hand. She can be cruel. What is almost worse, she teases. But this is not all. She cannot afford to leave the other states of Italy to themselves. That contagion of national feeling which her ministers so contemptuously ignored, is the necessity which makes Austria keep her eye on the state of parties in every city of Italy : and not only her eye, but her hand. She says, ‘ You cannot reform, you cannot allow more freedom of speech and action, without doing me mischief, without encouraging my subjects to wish and scheme for the same ; and to me you shall not do mischief.’ ‘ The emperor,’ said Prince Metternich, ‘ has determined not to lose his Italian possessions.’ And, in consequence, he claims the right of the strong, to check or stop whatever endangers them.

All changes, therefore, in Italy, which involve greater freedom, whether made on good principles or bad, are a real and inevitable peril to the Austrian dominion there. To all she must be hostile ; and as the states of Italy are on a small scale, her tone has generally been, as if it were scarcely less impertinence, than folly and mischief, for such insignificant powers to act for themselves. And she has more than once been able to taunt them, with the experiment ending in their having recourse to her, to help them out of it. In self-defence—not necessarily to extend her territory, but to keep what she has—she must meddle. And her influence and strength have been always lent, without scruple, to all who opposed change, whether it were revolution or improvement, and whose lawlessness and oppression were frequently far worse than her own stern rule. Not hostile herself to improvements which do not involve political freedom, it was yet all the same to her whether what she supported politically was fair authority or the vilest tyranny.

The presence, therefore, of Austria in Italy was one great bar to the changes attempted in the government of the Roman State. The fact of their going on made Lombardy unsafe, and that Lombardy should be unsafe was a reason with Austria why, whoever wished for them, they should not go on. For a moment, indeed, it seemed as if she was going to lose Lombardy. But she regained it ; and once more there, the reason returned, and with the reason the power to enforce it. It is necessary to bear this fairly in mind, to do justice to the Italian cry for independence, which all the reforming parties, from Rosmini to the Republicans, have uttered alike, and for which, as Mr. Gladstone remarks, little sympathy, indeed little patience, is felt in England. The words of the Roman council of Deputies to the Pope, after the rout of Custoza, are, *as a fact*, we conceive,

undeniable : ‘The independence of no Italian state can be secure, if all Italy be not independent.’¹ It is the influence of Austria out of her Italian dominions, on states which claim to be their own masters, as much as her holding Italian ground by conquest, which is the cause of it. Both sides feel the fact to be, that Austria cannot be there, in any part, without virtually controlling the policy of the whole: and if her safety is a reason with her against their reform, it is, at least, not unnatural that they should feel that their reforms are a reason why she should not be there at all. This feeling, according to Farini, was the dominant one, in the movement in Pio’s reign. ‘The foreign publicists,’ he says, ‘did not appear sufficiently to understand the case.’ ‘I do not wish to deal in conjecture; but this I strongly affirm, that the sentiment of independence warmed the public mind more than any other; and that those politicians were at fault who thought that in 1846 and 1847 Italy could have been tranquillized for any length of time, by meeting our desires for reform, and supplying us with codes, with railroads, nay even with some modicum of civilized and free institutions. If they have no other specific, they did, and ever will deceive themselves. As often as Italy shall have a little life and freedom, she will always be planning and struggling to use it for the purpose of national independence.’ The difficulty was not long in presenting itself in Pio’s path; he could not make up his mind how to meet it; and, as much as anything else, it overthrew him.

The other difficulty was yet more serious. It was one, too, which a change in external circumstances would not remove. Nothing could remove it, but that change in the opinions and feelings of men which is the slow and secret effect of time—one which it is vain to hurry, or hope to bring about by the same power which can remodel or subvert institutions. If not an Austrian sentinel were to be seen to the south of the Alps, this difficulty would exist in its full force.

It lay in the very nature of the Roman government; in the principle on which it was based, and the effects which this principle had produced. This principle was, as all know, that none but the clergy could be entrusted with political and administrative power; that the laity were disqualified for it, except in a very subordinate degree, by their being the laity. The Roman state, by being a state, has all the temporal incidents and responsibilities of a state; so far, it must be administered in the same way as the other European states, with whom it is incorporated, and main-

¹ August, 1848.—Vol. ii. p. 304.

tains political relations. It must have secular laws, over and above its religious ones; it must have civil and criminal justice, maintain a police, raise taxes, have a commercial policy, be on its guard against its neighbours, and use the same precautions as they,—soldiers, fortresses, and diplomatists. The three millions of Roman subjects will quarrel like other men about lands and houses, and need a law-suit to bring them to reason: some of them will steal or cheat or murder, and must be sent to the galleys or hung: they will employ themselves in trade, or manufactures, or agriculture; and these, the sources of national and private wealth, must be dealt with and regulated one way or another, by government. In all these matters, the Roman government, whoever carries it on, and for whatever purpose, must have to do with the same kind of affairs as any other government. Yet the men who thus deal with police and justice, diplomacy, war, and trade, are clergymen: and none but clergymen may deal with them, except as mere officials. What is emphatically the business of the laity, all over the world, what is elsewhere emphatically not business for the clergy, is here equally emphatically, their business only. ‘The finances,’ we read, ‘were administered by a Prelate as Treasurer, who was entitled on quitting his office to be appointed Cardinal. His acts were liable to review only by the Pope, his accounts were not audited, and probably were not susceptible of audit, by reason of the badness of the system, and the privileged quality of the person.’ This clergyman settled the taxes, managed the public debt, farmed out the monopolies of salt and tobacco, negotiated loans with foreign capitalists. ‘Commerce and industry were governed by the Cardinal of the Exchequer of Holy Church, under a system of prohibitory and protective regulations, by tariffs, premiums, monopolies, and privileges.’ ‘The Secretaryship of State for Foreign Affairs, both ecclesiastical and lay, is held by a Cardinal.’ ‘The department of State for Home Affairs is likewise under a Cardinal, in each case, with a Prelate for deputy, and clerical and lay subordinates.’ The Legations are governed by Cardinals, the other provinces by Prelates. The Cardinal Legates ‘direct the police of the province, command the armed force, superintend the provincial, and are guardians of the municipal administration; sentence to imprisonment summarily, release from punishment, and administer mercy within fixed limits.’ The assistant councillors only, and inferior governors, are laymen. ‘The supreme administration of the police lies with a Prelate, who is also Governor of Rome. The office is held by a Cardinal, from whom authority passes downwards to the Cardinal

'Legates; and in another branch it likewise passes through the successive grades of the Carabineers, a police force commanded by the same Governor-Prelate.' 'The Department, elsewhere called of War, is governed by a Prelate, with the title of President of Arms. This is likewise a Cardinal's post.' All the higher courts of law are, in like manner, composed of Cardinals and Prelates, with a thin sprinkling of lawyers who are not clergymen, but who 'are bound to wear the clerical dress';—the 'Rota,' and the 'Segnatura,' courts of civil appeal; and the 'Sagra Consulta,' a court of review for capital cases, and for the trial of political offences, which also 'decides causes of the Woods and Forests, and of Public Health and Quarantine, and directs in chief the Department of Public Health and Prisons.' 'The Cardinal Vicar at Rome, with the aid of deputies and assessors, and each Bishop in his own diocese, with his Vicar and some assessors, try causes both criminal and civil. Their jurisdiction extends to all the controversies which affect properties, either ecclesiastical, or administered by ecclesiastics, and to the persons of all clerks. Besides this, they have the whole police over morals, and try all the causes belonging to it. . . . The Bishops imprison, fine, and otherwise punish for blasphemy, and for disobeying the precepts of holiday and fasting. In criminal cases, the clerk has always the advantage of going into the Church court; in civil, he may choose at his will either the temporal or the Church court: the appeal is to courts composed of ecclesiastics. This was the ordinary course of things. In times of trouble, Cardinals directed the movements of the public force, and presided over the extraordinary commissions and tribunals appointed to punish revolt.'

However logical, however necessary, however under the given conditions, reasonable, this state of things may be, it has the disadvantage and misfortune of summoning up against itself ideas and feelings which have become well-nigh instinctive in nearly the whole of civilized Europe,—ideas which condemn, and feelings which shrink from, the confusion of functions which it involves. Among the disciples just as much as among the opponents of the Roman Church, these are the recognised and practical principles of most thinking men—of those who are most deeply interested for religion, as well as of those who are jealous of it. The charge of wishing to blend temporal with spiritual power, is certainly not more strongly imputed on one side than disclaimed on the other. And the disclaimer is genuine and truthful. The ambition of classes, if not of individuals, is regulated by the habits of thought which prevail at the time; and

the employment and absorption, in the business of diplomacy or government, of time and zeal, consecrated once for all to that of religion, is as repugnant to our modern habits of thought,—in men who reverence,—and men who hate, religion,—as the dedication of them to any other professed secular pursuit. Fair men will see much to admire—at any rate, will excuse much,—in the Episcopal Chancellors and Cardinal Prime Ministers, who played their parts in the confused politics of the middle ages of Europe; but not many would wish to recall them in our days.

Thus, the Roman government, however much the anomaly which it presented might on special grounds, and from particular points of view, be defended or palliated, was in very violent contradiction to the general sense, and the most undisputed maxims of all parties of serious and reflecting men. But its theoretical anomaly was its least defect. It might be, in theory, absurd and inconsistent, and yet produce much good. But it is abundantly clear, that those, whose real and proper business is about something very different from taxes, and tariffs, and courts of law, have, as they very naturally might, mismanaged them grossly; and that it is not more contrary to modern political ideas, than productive of vast practical mischief, that they should have the regulation of them. Untrained and unqualified for their work, the Roman hierarchy have, as a class, done it without understanding it,—without trying to understand it. They have spared themselves—we may almost say, they have on principle declined the trouble, and concentrated attention, which administrative functions, connected with secular affairs, receive in other states. The clergy thus employed may in many cases have been, though too often they certainly were not, men who meant to do their duty seriously and well; but, unfortunately, governing is not a duty which can be done well by wishing to do it well. The best had little to rely on, but their good sense and good feeling. The average ones had to go by traditional expedients and customs, which countenanced every remissness, and sanctioned harshness as its remedy, or insincerity and bad faith as its escape; and like the average of men elsewhere, they saved themselves trouble, which they were not forced to take. Then, when their routine betrayed them, and their mismanagement caused mischief, with the perplexity and vexation of men who know that they do not understand what they are about, they took the shortest and roughest method to bring the crisis to an end, and thought that they could save their credit, as they did perhaps their consciences, by laying all the blame on the evil disposition of their subjects. The last expedient ever thought of, to remedy the evils of which they complained, was

really investigating and trying to remove their causes. Possibly enough, they did not know how.

Whatever privileges the Roman Court may claim, no set of men can have the privilege of not taking the trouble to do decently what they will not let any one else do. If they must govern, and govern exclusively, their connexion with the Church abates nothing from their duties as civil governors; nor does it make it less a gross abuse and grievous crime in them, that they should choose the very worst and most debased systems of government to copy, and should in practice be worse than their models. It makes very little difference that the state which has the misfortune to be entrusted to their care should be but a small one: three millions of men are quite a large enough number, to have a claim for provident and just government on those who insist upon governing them. We may criticise and blame, as we will, the advocates of lay rights; we may think that 'the desire of civil equality that the subjects of other states enjoyed—the impatience of the privileges, exemptions, and exceptional jurisdictions of the clergy—the detriment, the jealousy, the contempt, the humiliation of the laity under the absolute government of priests'—which, as we are told, were the peculiar causes of the agitation in the papal states, and 'on which we must fix our thoughts, if we seek to know the cause of the occurrences in them,'—were not enough to palliate liberalism, or justify revolution; but bad government is bad government still, however faulty the temper and measures of its opponents. Nor can the Roman government expect that it should be an indifferent matter to the rest of the world what it chooses to do in its own dominions. They who govern ill, and think it enough to say that they, like all other governments, are irresponsible, and may govern as they see best, have to recollect *what else*, besides a human government, they profess to be and to represent, before the eyes of Christendom and the whole world.

Here, then, was the great difficulty for a reforming Pope. He had to improve the worst government in Europe, and, at the same time, to guard, even against risk, the temporal power of the Papacy. But to guard the temporal power, clerical government seemed essential; and clerical government seemed incapable of improvement; so at least thought most, both of its advocates and opponents. Both appeared to agree that, to touch it, would be to destroy it.

And, further, he had to proceed in the face of a deeply-seated and wide-spread distrust in everybody he had to deal with. How any lasting and salutary changes are to be brought about with-

out some degree of mutual confidence between the various classes of Italian society, and how, as things are now, there is ever to be any, we really cannot see. Weakness, and the insincerity which attends on weakness, and the knowledge of this insincerity, and the supposed necessity of meeting it by equal insincerity,—and the consciousness on all sides that *this* is the way in which the game is being carried on, that it is a struggle in which neither party can either overpower, or depend upon the other,—this, which marks the political movement all over the Peninsula, was to be found in its worst forms in the Roman states. The clergy did not trust the laity; the laity did not trust the clergy. Both sides knew their own want of strength; and neither one, nor the other, those who resisted, or those who wished for change, had a clear conscience, or even knew exactly their own minds. Both were ready to push forward, or to retract concessions, as might seem feasible; and each party was perfectly aware of this in the other. Dissimulation and distrust ruled the game, and are visible at every step.

Pius IX. began with simple attempts at functional improvement. The course of events soon forced him on to organic changes. He tried to abate the anomaly of the Papal government, and adapt it, if possible, to its place in Europe, by conciliatory temperaments; but the two classes whom he had to reconcile and harmonize, would not be reconciled. Early in the day, as the historian complains, the moderate party found that they could persuade few to join seriously and in good faith in a policy which should maintain, and yet enlarge, the basis of the temporal power:—

'The party that desired to strengthen the government, to obtain freedom through its agency, and by its means to prepare the way to independence, had to encounter far greater obstacles in the Papal States than in the rest; whether because it was thought that the good faith of the clergy could not be relied on, or because the temporal dominion of the Pope was, in the view of many, not only ill adapted to harmonize with genuine liberty, but also an obstacle to realizing the unity of the nation. It was, therefore, an arduous task to keep the public mind trustful and at rest; and an easy one to disturb it with misgiving, which is most potent of all things in ripening those humours, that engender and feed revolution. The Moderate party had no share, had no hand or voice, in the government; rather, indeed, it was ever viewed by those in power with suspicion, or in the light of a troublesome and self-appointed counsellor: nor was it at liberty to form secret societies, in order to constitute, or, as is said, to organize itself, or to oppose them by intrigue and dishonourable means. A party favourable to government cannot be strong, unless it governs. The Court of Rome, thanks to the will of the Pontiff, yielded to reform; but it could not yield to the admission of laymen into the government; or, if it made up its mind to call them into council, it did not call them to resolve, administer, and execute, in which governing really consists.'—Vol. i. pp. 216—218.

After laymen had been admitted to share in the government, the difficulty was not yet got over:—

‘ The lay Ministers, strange to the business of governing and most strange to the Court, were beset with grave and peculiar difficulties. In order better to apprehend them, it is fitting to reflect, how all the ordinary criteria of reason, experience, public opinion, and utility, lose their power, whenever the Sovereign, being also Pope, conceives that some temporal affair of his State has to do with the spiritual power. When the Sovereign, Guardian of the Faith and Guide of consciences, gives such a judgment, then any such affair is through him drawn within the sphere of that infallible will, which does not admit of influence or advice in a contrary sense. In questions of such a nature, laymen are always and throughout impotent in dealing with ecclesiastics; because these last are always prone to contemn human wisdom, and readily find means to oust and proscribe it with the metaphysics of theology, and with the doctrines of the canons and the bulls. And the priestly class has invariably such a mistrust of the laity as perverts their logic; so that discussion assumes the character, if not the form, of bitter contest. There was no evidence, since the new measures were adopted, that the Sacred College had continued its interference in the administration of the State Yet the Sacred College was still, in virtue of the Statute, the political Senate of the Sovereign: and hence it cannot be presumed to have laid aside all concern, every wish, or every habit, related to government: rather, we may with reason surmise, that it was no friend to lay administration; for, in truth, the Liberal party both acted and spoke in a manner ill suited to conciliate the Cardinals to the new political system. Nothing could be more sottish and imprudent, than to cry a crusade all day against the College of Cardinals—which, after all, was a constitutional organ, and which, moreover, was by law the perpetual and sole Electoral Assembly of the Sovereignty, as well as by custom the list of persons exclusively capable of being elected—and then to think of consolidating the new system in Rome. The Prelates, except a few, who certainly were the best, such as Corboli, Morichini, and Pentini, had no influence in the City, and little at Court: but the Prelature in general, envious of the recent advancement of the laity, combated them with that sort of finesse in which the clerical courtier vies with women, nay beats them. Nor should we forget, that there still subsisted the relics of Sanfedism, and of the *cliques* devoted to the Gregorian system, which was deeply rooted in the Court, and by its abundant offshoots, through ways shrouded in intricacy, figment, and insinuation, was always mining under the new order of things. The lay functionaries, and especially those of the old department of the Secretary of State, who all remained in office, could ill adapt themselves to a system of audit, accountability, and publicity, or to those prompt, vigorous, and determined modes of governing, which the times demanded. A race brought up, fed, and trained in an Ecclesiastical Court, they were masters of trick, most accomplished in winking, smirking, twisting phrases, above all, in wasting away time, or rather in wasting away other men by means of time; sheer buttresses of inertia, on which broke in vain every effort of volition.’—Vol. ii. pp. 72—74.

And thus, with clergy and laity, only brought by their novel juxtaposition into collision, not into agreement, compelled, or thinking themselves compelled, to a continual war of manœuvre and intrigue, the step was not far to the wish on either side to get rid completely of the other; and as the laity were, for the

time, in the ascendant, and the assailing party, their purposes distinctly took that direction. Even among those, in whom the spirit of change was least violent and impatient, this feeling, we are told, prevailed; and the reason assigned for it is of very serious significance:—

'But it must not be overlooked, that the old aversion to priestly government was ever in vigour among them; and they keenly desired the cessation of the privileges and preferences which that class still enjoyed. The germs of misgiving and mistrust were always there; and it might easily be seen, that a small matter would bring them to flower and fruit. Herein lies the wretchedness of States governed by a caste, *that when its name has become a byword for bad faith*, unless it be entirely ousted, the moral weight of Government hardly admits of being restored. Now, the Constitution had been essentially altered; the civil equality of citizens established; the avenues to public employment laid open for all; yet still the privileges of the clergy subsisted: we had clergy in the political departments, clergy in the supreme courts, clergy in the governments of Provinces. And doubtless the Provinces wished the temporal Sovereignty of the Pontiff to be respected and entire; but wished the Statute to be entire too, in its spirit; and public offices to be entrusted to citizens, according, not to their class, but to their competency. *The priest, as a civil governor, had so utterly fallen in the affection and estimation of the governed, that the miracles of Pius IX. availed little to lift him up again.* I do not say this was always and absolutely rational and just; but it was the effect of a reaction according to nature, whence wrong was done even to worthy men that belonged to the disliked caste.'— Vol. ii. pp. 80, 81.

And to complete the picture, the laity are accused of shrinking, in critical moments, from the very employment for which they had been so clamorous. When the Pope wanted to send a lay envoy to Vienna, to offer his mediation between Austria and the Italians, though the liberal Mamiani was his minister, and was loud in praise of the design, 'the Pope was not seconded as 'he should have been.' . . . 'For the laity, who complained 'so much of having no share or voice in the diplomatic service, 'and mistrusted the clergy, now hung back from accepting that 'honourable charge.'¹

We have not space to follow, with the historian, the slippery and shifting revolution; the inversion and transformation of all that Rome used to hold most inviolable and fixed. Now that things are once more returned to their old courses, and Pope, Cardinals, and Prelates are again what they used to be, the liberties which the story seems to take with them, and the probabilities which it seems to violate, task our powers of belief. Changes and substitutions, and interchange of functions, are as many, as rapid, as audacious, as coolly told, as in the Eastern tales, where giants rise out of bottles, black stones are men, and princes and tailors act the most unusual parts, with the

¹ Vol. ii. p. 158.

most easy and natural air. It is hard to conceive that the same men who now rule in Rome, no better and no worse than their predecessors ruled, and seem as if they never had heard of any other way of ruling, should be the very persons who did and who saw all these strange things. It is so, however: it is but three years ago, since old-fashioned Rome beheld these wonders, and most of the witnesses are alive. Chekib Effendi, likening himself to the Queen of Sheba coming to salute King Solomon, arrives from Constantinople, to compliment the Pope in the name of the Sultan, extols the ‘wonderful and lofty acts of his Holiness, ‘which have filled the whole world with the sound of his praises; ‘tenders to him the Sultan’s most gracious congratulations on ‘his elevation to the throne of the Prince of the Apostles, with ‘whose successors his master hopes still to live in cordial friend-‘ship, and for whose sake he undertakes the protection of the ‘Christians of Turkey.’ The West emulates the East: from Chili comes Don Raimond Jrarazzeval, as minister plenipotentiary—from the United States, a ‘warm and respectful address.’ An honourable Roman embassy returns the courtesy of the Sultan. The praises of the English press are given and appreciated. Protestants are enthusiastic about a Pope, and their enthusiasm is not distasteful. Padre Ventura, the famous preacher of Rome, preaches about civil progress, and publishes a project of a constitution. The crowds sing national hymns under the Pope’s balcony, before they receive his blessing. Newspapers, both ‘responsible’ and clandestine, start up in all directions, and say what they please; the once inexorable censorship is too indulgent, even for some of the Liberal leaders; under its mild sway, says the historian, ‘our infant journalism had its ‘infant passions and caprices; instead of meditating, it gambolled, ‘and every day it smashed its toys of the day before, as children ‘do.’ Priests blessed the new banners. To the Papal colours were added pennons of the Italian tricolor. In the popular processions, together with the civic guard and the mob, marched bodies of ecclesiastics, ‘flanked by tricolor flags,’ and ‘all wearing tricolor tassels.’ The funeral masses for the ‘Victims of Milan,’ ‘ostentatiously offered by the youth of Rome,’ were attended also by the Pope’s ‘consulta.’ As the Pope’s coach moved through the shouting crowds and waving banners, ‘Cice-‘ruacchio, mounting on the hinder part of the carriage, lifts a flag ‘with the inscription, “Holy Father, rely on the people;” and ‘Pius IX., with emotion, signifies that he will.’ Cardinal Altieri makes popular harangues from the windows of his palace. Cardinal Savelli patronises a popular club. Cardinal Ferretti argues with Prince Metternich in favour of the Pope’s ‘gigantic design,’ and appeals to ‘all acquainted with the history of great reforms’

to bear witness to the comparative peacefulness of this. Cardinal Antonelli frames, and, with liberals for his colleagues, administers a constitution; and resigns with them, because the Pope will not go to war with Austria.¹ The Pope creates lay ministers, and sends away the Jesuits out of Rome; hints once more at the employment of spiritual weapons, but against Catholic Austria; turns himself, by his own act, into a constitutional sovereign, and 'purposes to embody the statute in a Bull, according to the ancient form, in perpetual memory.' That dream of reform, and mad fit of liberalism, was indeed a strange interlude to disturb and put out of countenance the solemn decorum and antique fashions of the Roman Court. And now that it is over, the subjects and patients seem scarcely conscious of what they have gone through.

They may, however, derive some excuse, from the way in which the reformed government was carried on by its representatives. The proceedings of the ministries and parliaments of Rome, which are given in ample detail, were not of a kind to inspire respect. The deep and subtle heads which saw through the emptiness and impertinence of the day, as much as they feared their consequences, must have looked on with mingled amusement and disgust at the scenes described in these pages, as the first efforts of infant constitutionalism at Rome. Of business really done or attempted, there is the least possible trace. All is words. Words are the great subject of debate between the Pope and his ministers. Words are all that is recorded as contributed by the leaders of parties and opinion. Words are what they fight about, and what they fight with. Words, and a voice to boot, are all that appears to explain the influence of a popular chief, in the street or in parliament. Everything is drowned by words—words take the precedence, if some one more sensible or more tongue-tied claims a little time for business. The Council of Deputies² was immediately taken possession of by glib tongues and stentorian voices, and turned into something more uproarious than a parish vestry, with a grotesque mountebank, the Prince de Canino, for its loudest speaker. Of the High Council little is recorded except its addresses to the Pope, and the Pope's replies to its addresses. If any one really understood how business was to be carried on, under the new liberties, he failed in making others understand. No one appears with sufficient character, purpose, and clearness of head, to form a party or control others: for Rossi, the man of most promise, had not time. The

¹ Vol. ii. pp. 100—105.

² Cf. ii. 328, where a more favourable account is given; but it is not borne out by the history itself.

Pope, apparently, did not at all comprehend that he had assigned away any rights, by proclaiming himself a constitutional monarch, and calling into play a constitutional machinery. Between him and his ministers there seems to have been little more than a continual, but rather feeble and sluggish game, as to which should pull the other over, a little bit more, to absolutism or to liberalism. The ministers wanted independence, and war with Austria; the Pope liked independence, but not war. The ministers went as far as they dared, in their line; joined the tricolor with the Papal cockade, and put the troops where they were pretty sure to fight. The Pope went as far as he dared, in his, making an allocution against the war, which embarrassed the ministers, but leaving the ministers' acts as they were, and themselves still ministers. They resign and are restored, and resign again, 'greatly disheartened by the street disorders, and by the reserve of the court, as well as by the singular nature of a government where a constitution had actually been given before the ministers knew what it was; and where, just now, the question of peace and war had been settled by the sovereign, without and against the advice of his ministers, and that sovereign had issued proclamations accordingly, to the people, of his own motion.' But they resign, only to be succeeded by the great liberal leader, Mamiani, who accepts office 'on condition that he should be allowed to adhere to the policy of his predecessors in what concerned the cause of Italy—that is, dabble, at least, in the war against Austria—and have a lay foreign secretary for temporal affairs,'—which conditions were accepted or 'acquiesced in (for in such arrangements it is no easy matter to distinguish acquiescence from acceptance) by the Pope.' But this 'ministry of the 4th of May had hardly been formed, when an article, printed on the 5th May, in the government gazette, with the title of "Ministerial Programme," was censured by the Pope, because it indicated an intention to support the war; hence it was necessary, what?—not to resign, but—to declare, in the number of the next day, that that writing was not in any way a programme of policy.' Mamiani was a liberal, according to Farini, who wished to separate the Pope from the prince, keeping his authority intact, as Pope, but committing all temporal affairs to lay hands;¹ he was the favourite, for the time, with those who looked for further changes, and distrusted by the Pope. Yet he governed 'in the name of Pius IX., who either let him have his own way, or first resigning himself, and approving, afterwards murmured.' A series of small quarrels marked the reign of the Mamiani ministry. The Pope first corrected, and then rejected,

¹ Vol. ii. pp. 162, 311.

their draft of the speech from the throne, proposing one of his own; and, without consulting them, ordered the official censor, a Dominican Friar, to prepare a law on the press. The ministers refused to have anything to do either with his speech or his law.

' On the morning of the 5th, the City was in holiday garb, because the Municipality, and the ordinary political masters of the ceremonies, had chosen to turn the opening of Parliament into a popular spectacle. . . . The long and ostentatious train was already on the way, when the Ministers went to the Pope, to announce that they did not mean to consent to the delivery of that Speech, which he had remodelled at his own pleasure: and they proposed, that he should cause his Delegate to read a few words of no political significance, and that the Minister should afterwards read a speech on the first regular day of sitting. The Pope received both the Ministers and what they said to him resentfully; he suspected that they were using the actual pressure in point of time for the purposes of moral coercion: he broke into strong language, spoke something about treachery, and dismissed them. Accordingly, it became necessary to interpose good offices, that the Ministers might not, there and then, quit their posts, and that the Pope might acquiesce in allowing a certain interval to elapse before he should execute his resolution to appoint new ones; a resolution to which it was impossible to give instant effect, without public scandal and risk. . . .

' The Pope had now been persuaded, that a new Ministry could hardly be constituted forthwith, and had resolved to wait until the inclinations of Parliament should appear. When his Ministers requested their discharge, he bid them continue provisionally in office; he allowed them to set about framing the Speech they intended to deliver to Parliament, which they were to put on paper, and submit to him for approval. On the 7th, the programme of the Government, which Mamiani had been commissioned by his colleagues to prepare, was discussed and approved by the Council of Ministers. I was charged to carry it to the Holy Father for his approbation, and I must now enlarge somewhat on this topic.'—Vol. ii. pp. 191—194.

A new battle about words and phrases followed, very minutely described by the historian, who was concerned in it; in the midst of events big with peril, the Pope was making a fight, whether by changing a word or two, his liberal ministers' speech might not have one or two liberalisms fewer. So things continued; the ministers remaining ministers, for want of any one else, and doing much what they liked—which was nothing considerable: the Pope, if he wished to do anything, which was equally little, doing it without them, and censuring them in the same breath in which he was recommending agreement with them.¹

How, indeed, it may be asked, should it be otherwise? How should the Pope trust Mamiani, an avowed Liberal, who wanted to take the temporal government entirely out of the hands of the clergy? But, avowed Liberal as he was, it was the Pope who, knowing his opinions, had asked him to take the government, and had the benefit for the time of his influence with the Liberals. And in Mamiani, at least, he appears to have had no

¹ Vol. ii. pp. 258, 260.

reason to complain of insincerity. Farini, who was not of his party, and criticises his statesmanship severely, gives him the character of an honourable and upright man, who 'had studied every mode of acquiring the Pope's love and esteem, short of truckling in his will and debasing his understanding.' The Mamiani ministry was a fair consequence of the Pope's experiment, and threw much light on its wisdom.

It is not wonderful, perhaps, that of this ministry, which lasted one month *before*, and two months more *after*, it had quarrelled with the Pope, 'the acts should not have been numerous:' 'it promulgated,' we are informed, 'one law only, which conferred the right of citizenship on the Swiss troops; and Galletti put forth an ordinance, which bound all servants and journeymen to keep a book for the police, a measure which was held invalid, because the councils had not passed it.'

These are illustrations of the inherent difficulties which lay in the way of changes, of which all, from the highest to the lowest, were at least most willing to have the credit. These difficulties were, it must be admitted, out of immediate control. So was a further and unlooked for, but most formidable one; the turn which things took abroad,—the revolutions in Paris, in Palermo, in Naples, in Vienna. On the King of Naples this historian lays the chief blame of having been the first to give extravagant and delusive liberties. After a tumult at Naples, he conceded a constitution—'he showed his wish to surpass the rest of the Italian sovereigns, as in the amplitude of the institutions conceded, so also in the abundance of his ingratiating acts. He was all to all. He laid open the gates of his palace, conversed familiarly with men who yesterday were in fetters, and bid for votes and acclamation, and for the character of a liberal king. And in this manner, first by excess of resistance and of obstinacy, then by a new excess of weakness and haste, he wholly shifted the Italian movement off the line of measured progress, and as it were jerked the states to a point which no one expected to see them reach within any short period. Thus the chapter of reforms was closed in Italy. Next began that of Constitutions, which were invented or copied; every one vied with his neighbour to do most work and quickest.' To this supposed necessity of following his neighbours in granting a constitution, the Pope makes reference in the preamble to his own hasty and crude 'Fundamental Statute,' as his reason for issuing it. Of the sincerity of the Neapolitan King's cooperation in what the Pope's minister, Cardinal Ferretti, called his 'gigantic design,' there can, we suppose, be little doubt. But all these difficulties gained tenfold force, from the Pope's utter inability to meet

them, not merely with intelligence and vigour, but with a straightforward purpose.

The whole of the second volume of Farini's work is but an exemplification of this remark. We do not at all underrate the very trying circumstances of the Pope's position. Doubtless he was betrayed; and we are certainly very far indeed from sympathising with the men who, by their cowardice or their treachery, betrayed him. The best of the men whom he took into his service, as his coadjutors in his 'gigantic design,' were, on the historian's own showing, at least with one exception, most inefficient allies. They, too, were below their work; or they did not know their own minds; or they had secret purposes and reservations of their own, while professing loyalty to him: and the party into whose hands these men played, were unscrupulously bent on the destruction of his power. But amidst these dangers, amid this feebleness, and treachery, and formidable hatred, there was always room for a manly and consistent course. Pio IX. had received in advance and in profusion, the reformer's glory;—he bid high, and a place little short of the highest among his contemporaries was not refused him; he has no right to claim exemption from the criticism of those, whose admiration was so loudly challenged for him, and challenged upon trust. That he failed, was not perhaps his fault: but he might at least have failed like a man. For this at least the history of the Papacy might have furnished him with more than one precedent.

But we look in vain through the course of the rapid downfall which followed the promulgation of that boastful 'Fundamental Statute,' which changed the Papacy into a Constitutional government, for one single act of courageous resistance, or conscientious denial, on the part of the Pope. Scruples, reluctance, impatience, disapprobation, obstinacy,—there are in abundance. It is quite certain that he did not like the turn that things were taking, or the use which the new responsible ministers were making of the authority which he had given them. But his distrust and dislike exhaled in complaints to his courtiers, bickerings with his ministers about the wording of a speech, and querulous proclamations to the 'Romans.' He thought it strange and ungrateful that Liberal ministers should follow the stream of Liberal policy and sympathies; but to obstruct and perplex was the utmost he ventured on. It was clear enough when he consented to shut up the Jesuit houses in Rome, and send away the Fathers, that he did it sorely against his will, to men whom he approved and honoured. He had condescended, in the beginning of the month, to expostulate, to intercede, with the senseless mob and

their blackguard leaders—finally, even to intimate a threat. But as the mob and their leaders were proof against flattery and paternal exhortation, and had no cause to be alarmed about threats, at the end of the month the Jesuits had to go.¹

It was in the matter of the Austrian war, that this vacillation displayed itself most unworthily, and most fatally. Whether it was right or wrong for the Pope to go to war with Austria, in order to drive her out of Italy, it was clearly right that in such a matter, he should be above trifling. He should either have joined in the war, or he should have refused to join. Another course might be convenient; right and honourable it could not be. Austria, it may be, has forgiven him, as having acted under the terror of the Liberals, and received a memorable lesson to boot: but this does not affect the example set by one with such claims as the Pope, and a Pope like Pio IX.

Both the Pope and his subjects, such at least as shouted his praises, wished the Austrians out of Italy: and when in the troubles that succeeded the French revolution, the opportunity seemed come for getting them out, both in different, but equally significant ways, showed their satisfaction. But as it was likely that the Austrians would not go without fighting, the Pope's subjects, and his ministers, were for trying to fight them.

Here the Pope paused. Conscientiously, no one can doubt, he shrunk from aggressive war. But he shrunk equally from encountering the feeling which in his subjects was all for that war. They went on arming avowedly for it, and he said nothing. They entered into the war. He went on as if in perfect ignorance or perfect indifference as to what they were about; certainly as if he had no voice, either as priest or as sovereign, to command, to warn, even to remonstrate. At last he thought proper to declare to the world that he did not mean to go to war. But though his ministers resigned, his subjects went on going to war; his next ministers came in with the same avowed purpose; and he himself placed his troops 'beyond the Po,' under the command of the King of Sardinia.

A few extracts from Farini's narrative will illustrate this.

In March, 1848, Milan rose, and drove out the Austrian troops. The Pope expressed his feelings on the occasion in the following proclamation:—

'From time to time he thrilled with the inspiration of ideas that exalted the Papacy to a new and astonishing elevation, and uttered sentences such that from his lips we seemed to hear the voice of God. Godlike words were these:

¹ Vol. ii. pp. 4, 17—21.

“ Pius Papa IX., to the people of the States of Italy,
Health and Apostolic benediction.

“ The events, which the last two months have witnessed, following and thronging one another in such rapid succession, are no work of man. Woe to him that does not discern the Lord's Voice in this blast that agitates, uproots, and rends the cedar and the oak! Woe to the pride of man, if he shall refer these marvellous changes to any human merit or any human fault, instead of adoring the hidden designs of Providence, whether manifested in the paths of His justice, or of His mercy: of that Providence, in whose hands are all the ends of the earth. And We, who are endowed with speech in order to interpret the dumb eloquence of the works of God, We cannot be mute, amidst the longings, the fears, and the hopes, which agitate the minds of our children.

“ And first, it is our duty to make known to you, that if our heart has been moved at hearing how, in a part of Italy, the consolations of Religion have preceded the perils of battle, and nobleness of mind has been displayed in works of charity, We nevertheless could not and cannot but deeply grieve over the injuries which, in other places, have been done to the Ministers of that same Religion,—injuries which, even if, contrary to our duty, We were silent concerning them, our silence could not hinder from impairing the efficacy of our Benedictions.

“ Neither can we refrain from telling you, that to use victory well is a greater and more difficult achievement, than to be victorious. If the present day recalls to you any other period of your history, let the children profit by the errors of their forefathers. Remember that all stability and all prosperity has its main earthly ground in concord: that it is God alone Who maketh of one mind them that dwell in an house: that He grants this reward only to the humble and the meek, to those that respect His laws, in the liberty of His Church, in the order of society, in charity towards all mankind. Remember that righteousness alone can build, that passion destroys, and He that adopts the name of King of Kings, entitles himself likewise the Ruler of Nations.

“ May our prayers have strength to ascend into the presence of the Lord, and to bring down upon you that spirit of counsel, of strength, and of wisdom, of which the fear of God is the beginning; that so our eyes may behold peace over all this land of Italy, which if our love towards the whole Catholic world does not allow us to call the most beloved, yet God has willed to be to Ourselves, the most near.

“ Given in Rome, at Santa Maria Maggiore, on the 30th of March, 1848, in the second year of Our Pontificate.”

“ This language more and more increased the fervent love of Pius IX., of liberty, and of Italy; so that every one as he repaired to arms felt himself a champion of Religion, of Liberty, and of Italy.”—Vol. ii. pp. 21, 22.

To say the least, these words show strong sympathy with the ‘victory’ of the Italians, in this first step in the war of independence. The second step was the entry of Charles Albert into Lombardy. The greatest enthusiasm for war was created by it in the Roman States—and in this enthusiasm the Pope was not backward:—

' The Pope and the religious Congregations made rich contributions ; the Princes of Rome vied in liberality with the citizens ; every one joyfully and spontaneously paid the tribute of free bounty to their country ; the people emulated them, if not in the magnificence yet in the multitude of their gifts, and in the fervour of their feelings ; the very mendicant, stretching out his hand to passengers, begged of them for Italy Cardinals and Princes presented horses for the artillery ; and Princes, Dukes, nobles, citizens, commons, set out for the camp, all as brethren : among them were two nephews of the Pope ; within a few days there were at least twelve thousand volunteers from the Papal States. The Pope gave his benediction, letting it be understood that it descended upon warriors, who were on their way to defend the confines of the States of the Church ; the cities were all in jubilee ; even the country folks greeted merrily the Papal legions. The Pontifical ensigns were blended with the colours of the nation ; the Cross surmounted the Italian flag.'—Vol. ii. p. 25.

The reservation noticed in this extract, must not be forgotten. It was for the defence of his own states that the Pope authorized all these warlike preparations. But the Pope knew very well that no one in that army which he had blessed, no one in the ministry which directed that army, had any such limitations in their warlike purposes. They went to favour, and, if necessary, help in that Piedmontese invasion which had been greeted in Rome with such enthusiasm ; and they went under orders from their superiors in Rome :—

' But when the Roman Government had heard of the entry of the Piedmontese into Lombardy, Cardinal Antonelli wrote on the 27th of March to the Cardinal Legate of Bologna, that he was to apprise the General of Charles Albert's desire that our force should remain at the confines, and should there assemble the largest numbers practicable, in order to overawe the Austrians ; giving him to understand that he, as President of the Council of Ministers, conceived it necessary to convey to Durando, as Commander of the *Pontifical corps of operation*, this information " both for his guidance, and also in consideration that a different attitude " (such are the words of the despatch) " might hamper the operations of the King of Piedmont." Aldobrandini, the Minister of War, wrote on the 28th to the self-same General Durando, " enjoining him at once to place himself in communication with the head-quarters of His Majesty, and to act in concert with him." Let it then stand for a fact, that, after the war had broken out in Lombardy, the Pope sent a person to represent him in the Italian camp ; that this person was an Ecclesiastic, the most distinguished man of the Prelacy of Rome, the dearest, too, and most devoted to Pius IX. ; that same person who, a few months before, had gone as Commissioner for the conclusion of the Customs' League : and, further, let this stand, that the Roman Government ordered the Commander of the Papal troops " at once to place himself in communication with the head-quarters of His Majesty, and to act in concert with him."

. . . . ' But the Ministry would not determine upon ordering Durando to act on the offensive without the Pope's explicit order. Accordingly they pointed out to his Holiness into what peril the peace of the country would be brought, if that uncertainty should continue longer ; and gave him to understand, that they must resign office, rather than undertake to abstain from giving countenance to the war. To this the Pope replied, that he had

not as yet taken any final resolution; that he was waiting for intelligence from Piedmont about the proposal of a League, and that the Ministers therefore should not resign, but should act "according to circumstances." One of the Ministers remarked, that the question was not simply about sending our troops across the Po, but about sharing in a war which would necessarily involve the shedding of human blood, a responsibility which the conscience of a Christian statesman could not assume without the consent of his Sovereign. Upon this the Pope guaranteed him against every scruple, by saying, that there would always be time to recall the troops, in case he should decide upon taking no part in the war. Aldobrandini, the Minister of War, a frank and high-minded gentleman, who sought in any case to set *his own conscience at ease*, heard such language more than once, so that he was encouraged to give orders to Durando to encamp *beyond the Po*, and under date of the 18th of April, wrote to him as follows:

"I have to acknowledge the receipt of your acceptable letter of the 14th current, which I have forthwith submitted to the Holy Father: and he has deigned to answer me, that you are authorized to do all that you may judge requisite for the tranquillity and the advantage of the Pontifical States. Accordingly, I hasten to send you this intelligence by express." —Vol. ii. pp. 61—63.

It is no matter of surprise, however irregular it may have been, that the Roman general, Durando, should on the banks of the Po tell his soldiers that the 'Holy Pontiff had blessed their 'swords, which, when united to those of Charles Albert, were 'to work concurrently, for the extermination of the enemies of 'God and of Italy,' and bid them wear a tricolor cross on their heart, as crusaders. But this proclamation disturbed the Pope; not so much from its unwarrantable presumption, as from the sentiments it expressed. He said, that he must now allay the scruples of the Catholic world; that he must speak. And in spite of the Ministers, among whom was Cardinal Antonelli, he did speak. On the 25th of April, they laid a paper before him, in which they present

"their most earnest prayers to Your Holiness, that you would deign to make a precise declaration of your sentiments concerning the war, and to determine the rules of policy which were to be followed. Such a declaration becomes every day more necessary; whether considered in respect to the tranquillity of the country, the dignity of the Government, or the actual condition of the Ministry and the army. Upon this cardinal act depends, in great part, the future of the State, and of Italy at large." —Vol. ii. p. 102.

And, leaving the ecclesiastical point of view to him, as Pope, they put the question before him as his temporal ministers thus.

"The question may be resolved in three modes:
 "Your Holiness will either allow your subjects to make war;
 "Or declare your will absolutely against their making war;
 "Or, finally, announce that, though desirous of peace, You cannot prevent their making war." —Vol. ii. p. 102.

They recommend the first; they strongly dissuade from the second; and still more strongly from the third, with very unanswerable arguments.¹

"He will say, that a deception lies in these words: because, if the Government cannot prevent this anarchical movement, it should at least show its good faith by putting into operation all such means as it possesses for that purpose; but since, on the contrary, it furnishes arms and stores to the volunteers, and moreover finds Generals to command them, these are proofs of its secretly wishing well to the war which it ostensibly repudiates. The Papal authority will be no less assailed by the perfidious, than it would be in the case of an open declaration of war. Lastly, both the regular troops and the volunteers, who, after such a manifesto, might continue beyond the Po, would find themselves wholly stripped of those rights which the law of nations grants even in the hottest wars, provided they have been declared in the first instance. They would, on the contrary, be treated as outlaws, assassins, and brigands; and yet they are Pontifical subjects, serving under Generals chosen by Your Holiness, wearing the Papal uniform, carrying your flag, and the Cross. These considerations the Under signed lay at the feet of Your Holiness, and bowing profoundly before Your Blessedness they kiss your sacred foot.

"Your most humble and devoted subjects,
"ANTONELLI. SIMONETTI.
RECHI. PASOLINI.
MINGHETTI. STURBINETTI.
ALDOBRANDINI. GALLETTI.

"Rome, 25 April, 1848."—Vol. ii. p. 101.

The Pope said nothing at the time—but on the 29th appeared the famous 'Allocution' to the Cardinals, which was one of the turning points of the history; the Pope's first step backward, the palinode of his previous reign.

'The Allocution had already been printed, but either no one knew, or no one would tell what it contained. Cardinal Antonelli was not privy to it, and he stated that those about the Court did not breathe on it: even the nephew of the Pope, who had much of his affection, knew nothing of it, and asked others for information; circumstances, these, that are well worthy to be known and reflected on. The meeting of the Consistory was hardly over, when Cardinal Antonelli looked for me with the paper containing the Allocution in his hand: and as I was wild with eagerness to know the contents, and asked him for it, he told me that he had not been able to form an adequate idea of them from the single reading aloud, which he had scarcely heard; so we set ourselves to peruse it together.'—Vol. ii. p. 106.

The Allocution contained the following, among other apologetic passages:—

¹ Now, any one who reads this paper of the Ministers of the 10th of March, will be perhaps in no small marvel if he happen to have read and heard it repeated, in more languages than one, that they sought to take advantage of the general excitement to drive the Pope into a declaration of war. Still more will he wonder that this should be said and repeated, and allowed to be said and repeated, while Pius IX. is alive, and while that same Cardinal Antonelli, who subscribed the remonstrance, is anew in power.—Vol. ii. p. 105.

" Besides which, the above-mentioned people of Germany could not be incensed with Us, if it has been absolutely impossible for Us to restrain the ardour of those persons, within our temporal sway, who have thought fit to applaud the acts done against them in Upper Italy, and who, caught by the same ardour as others for the cause of their own Nation, have, together with the subjects of other Italian States, exerted themselves on behalf of that cause.

" For several other European Potentates, greatly excelling Us in the number of their troops, have been unable at this particular epoch to resist the impetus of their people.

" Moreover, in this condition of affairs, We have declined to allow the imposition of any other obligation on our soldiers, despatched to the confines of the Pontifical State, except that of maintaining its integrity and security.

" But, seeing that some at present desire that We too, along with the other Princes of Italy and their subjects, should engage in war against the Austrians, We have thought it convenient to proclaim clearly and openly, in this our solemn Assembly, that such a measure is altogether alien from our counsels, inasmuch as We, albeit unworthy, are upon earth the vicegerent of Him that is the Author of Peace, and the Lover of Charity, and, conformably to the function of our supreme Apostolate; We reach to and embrace all kindreds, peoples, and nations, with equal solicitude of paternal affection. But if, notwithstanding, there are not wanting among our subjects those who allow themselves to be carried away by the example of the rest of the Italians, in what manner could We possibly curb their ardour?" —Vol. ii. pp. 109, 110.

This was from the Pope, who on the 30th of the preceding March, had blessed, and if he warned, warned with the voice of full sympathy, the victorious insurgents of Milan; and had joined in the military enthusiasm which he knew well had no other mark but the war against Austria.

But this was not all. If the war was wrong, the Pope had not said so to his subjects. He had now said so, not indeed to them, who were engaged in it, but to Europe generally. Some step might now be looked for, from one who was not insensible, at least to his spiritual power. ' How,' he says, a day or two after, when disaster threatened at Rome, ' how in such contingencies, could the spiritual power, which God has given us, remain idle in our hands? Let all know, once for all, that we are conscious of the greatness of our office, and the efficacy of our power.' But the word of recal was not yet given. The new ministry was allowed to come in, professing the same war-like intentions as the old one. More than this. The Allocution produced, as might have been foreseen, great excitement, to the astonishment of the Pope. Then came various means to take off its edge. The Pope was to mediate a peace. This, it seemed, was what he had meant. He had meant only to protest against war, not to discredit the sacred cause of Italian nationality. By way of preliminary, he sent to confer on Charles Albert, then before Verona, the command of all the Pontifical troops beyond the Po.

' Meanwhile, the Pope decided upon sending to Charles Albert a Legate of his own, commissioned to conclude a treaty for conferring on the King the command of all the Pontifical troops beyond the Po: to give such explanations as might mitigate any sinister impressions made by the Allocution, and to continue at the camp of the King, in the stead of Monsignor Corboli, who was recalled to Rome. This mission was entrusted by the Pope to the Author; and I likewise received from him, and from the Ministers, authority to take measures in regard to any disorders which might chance to have occurred in the portion of the country which I should have to traverse in order to get to Lombardy.'—Vol. ii. p. 121.

Bologna was quieted with this assurance;

' But, according to my duty and commission, I gave the Bolognese the assurance that his Holiness would not abandon the Italian cause: that I was on my way to the camp of Charles Albert, to offer him, in the Pope's name, the command of our forces; and that the Allocution would not involve a change in policy. Upon this calm returned; yet, to speak truly, rather the calm of expectation than of assurance.'—Vol. ii. p. 130.

And Cardinal Antonelli thus writes to Farini, at Somma-Campagna:—

' " Most esteemed Signor Farini,

' " The Holy Father gives me the honourable commission to reply to the letter, which you addressed to him under date of the 7th current, from the camp of H. M. King Charles Albert. I do not disguise from you, that His Holiness is unable to comprehend how an interpretation, different from that which the true sense of his Allocution carries, can be given to it. In that Allocution, the Holy Father has not shown himself hostile in the slightest degree to Italian nationality, and has only said, that as he is the Prince of Peace, and the common Father of the Faithful, his mind recoiled from sharing in the war, but yet that he did not perceive in what manner it was in his power to restrain the ardour of his subjects. He then testified the satisfaction he would have experienced, if he could instead have undertaken to mediate a peace. From this idea, which is well unfolded in the Allocution, you think that the Holy Father might now opportunely interpose his mediation as a pacific Sovereign, always in the sense of establishing the nationality of Italy.'"—Vol. ii. p. 135.

Is it surprising that the following letter, 'this very noble letter,' as our admiring historian calls it, to the Emperor of Austria, of which a copy was sent to Charles Albert, produced little effect?

' " Your Majesty,

' " It has ever been customary, that a word of peace should go forth from this Holy See amidst the wars which have bathed Christian lands with blood: and, in the Allocution of the 29th of April, while We have said that our paternal heart shrinks from declaring war, We have expressly stated our ardent desire to contribute towards a peace. Let it not then be distasteful to Your Majesty, that We should appeal to your piety and devotion, and with paternal sentiments should exhort You to withdraw your arms from the contest, which, without any possibility of again subduing to your empire the spirit of the Lombards and the Venetians, draws with it the fatal series of calamities that are wont to attend on war, and that without doubt are by You detested and abhorred.

“ Let not, then, the generous German nation take it in ill part, if We invite them to lay resentment aside, and to convert into the beneficial relations of friendly neighbourhood a domination, which could never be prosperous or noble while it depended solely on the sword.

“ Thus then We trust that the said Nation, honourably proud of its own nationality, will not think its honour to consist in bloody efforts against the Italian Nation, but rather in generously acknowledging her for a sister, even as both are daughters to Us, and most dear to our heart; that so each may confine itself to reside within its natural limits, upon honourable terms, and with the blessing of the Lord. In the meantime we entreat the Giver of every light, and Author of every good, to inspire Your Majesty with holy counsel; while from the inmost of our heart we impart to You, to H. M. the Empress, and to the Imperial family, the Apostolic Benediction.

“ Given in Rome, at Santa Maria Maggiore, on the 3d of May, 1848, in the second year of our Pontificate.”—Vol. ii. pp. 136, 137.

The Pope's troops, however, continued to fight the Austrians, with the full sanction of the Ministry, and murmurs indeed, but no remonstrance from the Pope. Then when Charles Albert was beaten, and Marshal Walden and his Austrians, with the same disclaimer of hostile purposes as that in the Pope's Allocution, enter the Papal territory, the Pope is indignant and ‘greatly surprised’ that his ‘prudence and mildness have failed in preventing the entrance into the States of an Austrian army.¹

Such were the conditions under which it was attempted to reconstruct the Government of the States of the Church, to form ministries and make laws. First, things to all appearance contradictory had to be reconciled—the ideas of the College of Cardinals, with those of the Liberals, from Rosmini and Mamiani to Mazzini and the Republican Clubs. Next, this had to be done, in the midst of a rapid and astonishing collapse, in Rome as in Europe generally, of traditional authority and respect, of the moral power and the material force of the Governments, of the influence of great names, great offices, great popularity. And lastly, the men who were responsible for the attempt, and its fulfilment, brought to their task little besides an enthusiasm, which jealousy, scruples, ignorance, and insincerity first rendered ridiculous, and then converted into despair.

Rossi, an Italian pupil of Guizot, a politician who began life as a university Professor at Bologna, and after being long a proscribed fugitive finished by being an Ambassador of France, was the last minister to whom the Pope had recourse, and the only one who showed any appearance of energy and self-reliance. But it was now too late. He was, indeed, scarcely less liberal than his predecessors. He too was in favour of an Italian war against Austria. He had early said ‘that the national feeling for war was so strong, that Pius IX. must either take it

¹ Vol. ii. p. 317.

' resolutely in hand, or the factions hostile to him would seize it, and turn it against him and the Popedom.'¹ And now the latter alternative of the prophecy was to be verified. The Pope's miserable vacillation had not prevented the war; but it had made a wreck of his authority: and the first minister who dared to act vigorously on that authority, showed by his fall, so fearful, yet unavenged, that it too had fallen. Rossi did act vigorously. This was enough to gain for him the epithet of tyrant, and that epithet was the warrant for his murder. He knew his danger: he was warned of it also. But Rossi was at least a brave and resolute man; the one man, among these scrupulous or boasting personages, who, when he thought he saw his duty, was not afraid to attempt it.

' It appertained, as is usual in Constitutional States, to the President of the Council of Deputies, to regulate its police; nor had Rossi, who was a scrupulous observer of constitutional method and custom, any idea of having a hand or voice in it. To any person who, under an apprehension of violence, advised him to look to the matter, he replied, that he would call for armed assistance, if it were desired by the President; but not otherwise. He had repeatedly received anonymous letters, in which his life was threatened, and he had scorned them, as every brave and wise man should. On the very morning of the 15th, he got one, which differed from the rest in this, that it brought him an intimation, rather than a mere threat, of his death. A distinguished lady, likewise, wrote to him, that her mind stood in doubt and fear of some untoward occurrence: a veteran Polish General came to him, and signified his misgivings, lest the threats should be put into execution: and a pious priest warned him of the dangers that were hanging over him. To all this he answered, that he had taken the measures he thought suitable for keeping the seditious in order: that he could not, because of risks he might personally run, forego repairing to the Council according to his duty: that, perhaps, these were idle menaces; that, moreover, if any one thirsted for his blood, he would have the means of shedding it elsewhere on some other day, even if on that day he should lose his opportunity: he would therefore go: and he repeated again, and again, that the Government was in readiness to put down any faction that might seek to lift up its head. . . .

' When the ordinary hour of the parliamentary sitting, which was about noon, had arrived, the people began to gather in the Square of the *Cancelleria*, and by degrees in the courtyard, and then in the public galleries of the hall. Shortly all were full. A battalion of the Civic Guard was drawn up in the Square: in the court and hall, there was no guard greater than ordinary. There were, however, not a few individuals, armed with their daggers, in the dress of the volunteers returned from Vicenza, and wearing the medals with which the Municipality of Rome had decorated them. They stood close together, and formed a line from the gate up to the staircase of the palace. Sullen visages were to be seen and ferocious imprecations heard, among them. During the time when the Deputies were slowly assembling, and business could not commence, because there was not yet a *quorum* present, a cry for help suddenly proceeded from the extremity of the public gallery, on which every one turned thither a curious eye, but

¹ Vol. ii. p. 100.

nothing more was heard or seen, and those who went to get some explanation of the circumstance, returned without success.

' In the meantime Rossi's carriage entered the court of the palace. He sat on the right, and Righetti, Deputy-Minister of Finance, on the left. A howl was raised in the court and yard, which echoed even into the hall of the Council. Rossi got out first, and moved briskly, as was his habit in walking, across the short space, which leads from the centre of the court to the staircase on the left hand. Righetti, who descended after him, remained behind, because the persons were in his way who raised the outcry, and who, brandishing their cutlasses, had surrounded Rossi, and were loading him with opprobrium. At this moment might be seen amidst the throng the flash of a poniard, and then Rossi losing his feet, and sinking to the ground. Alas! he was spouting blood from a broad gash in the neck. He was raised by Righetti, but could hardly hold himself up, and did not articulate a syllable; his eyes grew clouded, and his blood spirted in a copious jet. Some of those, whom I named as clad in military uniform, were above upon the stairs: they came down, and formed a ring about the unhappy man: and when they saw him shedding blood and half lifeless, they all turned, and rejoined their companions. He was borne, amidst his death-struggle, into the apartments of Cardinal Gazzoli, at the head of the stairs on the left side; and there, after a few moments, he breathed his last.'—Vol. ii. pp. 405—407.

Horrible as this was, it was not half so horrible as the indifference about it among those who were held to be respectable men. Whether they felt this unconcern, or were cowed into it, it is equally a mark far more damning on religious and Catholic Rome, than the murder itself. It disclosed in a moment the incredible corruption of feeling, and decay of all seriousness and all strength, to which public men and the public mind had come, amid these antics of a sham reform. The Deputies sat quiet, as if nothing had happened, while the intelligence was passing from mouth to mouth.

' Some of those present rose to demand an account of what had happened, and a reason for the stir; to which a Deputy replied, they could not tell; then, after a while, the President Sturbinetti takes the chair, and, though scarcely twenty-five Deputies were present, orders the minutes of the last sitting to be read. A low buzz may now be heard: the Secretary begins to read: the Deputies stand unheeding and absorbed, or go forth: the galleries grow thin, and soon the hall is void and mute. Not one voice was raised to protest before God and man against the enormous crime! Was this from fear? Some have thought to term it prudence: by foreign nations it is named disgrace.

' I was no longer a Deputy at the time, but, as an eye-witness to the facts, I can now speak the truth with a mind free from prejudice of whatever kind. Possibly it was terror, disguised as prudence, and whitewashed with imperturbability, in him who desired the record of the last sitting to be read. There was no legal meeting: no motion could be made: the few Deputies, taken by surprise and incensed, almost all went out on the instant, prompted by sympathy with Rossi, whom they thought wounded, but not dead. One worthless voice alone was heard to cry, " Why all this fuss? one would think he was King of Rome." Truly, some other voice might have cried, " Out upon such infamy!" and shame it was, that no such voice was heard!'—Vol. ii. pp. 407, 408.

It was natural for the bad to exult; but where were the good, even to protest? ‘Such was the poltroonery, or such the depravity of consciences, that no journal would or dared to denounce the murder. Pantaleoni wanted to print in the *Epoca*, a paper of his, condemning and abominating it, but the managers of the journal would not consent. But why do I speak of execration? The murder was honoured with illuminations and festivities in numerous cities, and not in these states exclusively, but beyond them, especially at Leghorn.’ One yet more foul trait is recorded by the historian. He tells us of one *Monsignor Muzzarelli*, a Roman Prelate, whom his bewildered and powerless master had named minister in the room of the murdered man. This person, ‘who was in favour with the insurgents, had intimated even to the Pope, that he held the death of Rossi to be a blessing.’

With this consummation of the reformed Papal Government, the history stops for the present:—the account of its overthrow and restoration is yet to come. The moral of the whole is thus stated by Mr. Gladstone:—

‘A great problem, of deep and lasting interest to the whole of Europe and of Christendom, has for some time been in process of solution in the Roman, or Papal States.

‘This process has been, during the reign of the present Pope, greatly, and beyond all expectation, accelerated; and it may now be said to be virtually complete, although the interposition of material force obstructs for the present its manifestation to the world.

‘Its three principal stages, since the peace of 1815, have been as follows:—

‘First, until the death of Gregory XVI. the question was, whether the temporal power of the Popes could be perpetuated upon the basis of its old and very defective traditional system, further deteriorated by some of the worse characteristics of that system of government, which owes its paternity to the first French Revolution.

‘From the accession of Pius IX. in June, 1846, a second era commenced, and the question now became this; whether it was possible to remove the crying oppressions and abuses of the old system, and to establish constitutional freedom, retaining at the same time any effective sovereignty in the Papal Chair.

‘This period is, indeed divisible into two; for there is no evidence to show that Pius IX. desired or intended, of his own free will, to establish anything like what we understand by Constitutional freedom. Still, he bent his neck to the necessity, which the French Revolution of 1848 brought upon him; and, for the present purpose, it is enough to mark November, 1848, as the term of the second stage of the process under view.

‘The third stage is, from the entry of the French, and the restoration of the Papal Government, in the summer of 1849, down to the present time. Though it is not yet firmly at an end, it may be considered morally complete. During this period, a third form of the question has been put. It has been this: whether the temporal power of the Papedom had life enough in itself to reconstruct and improve its external forms, and during the interval of forced but entire repose afforded by the presence of the

overwhelming military power of three or four nations—the smallest of them outnumbering, three times over, the population of the Roman States—to strike such roots into the soil as might again give it a substantive existence, might enable it to endure the removal of those screens which cover it from east, west, north, and south, and might embolden it to expose itself once more to the free current of the air of Heaven?

[‘] Every one of these three questions has, I believe, received an answer from the facts of the time; an answer, in substance, already complete and final.’—Vol. i. pp. vii. viii.

Three things appear in this history and its upshot:—

1. The coincidence of very great disorder, corruption, and misery, social and political, with the Ecclesiastical government of the centre of the Roman Church; and then worst, when that Ecclesiastical government was most strong: and the mischief and danger thence ensuing.

2. The utter failure of the attempt to infuse new life into it; the absence of anything in the old system which the new could take hold of, with which it could be knit together, and could harmonize.

3. The consequent necessity of falling back, without alteration or compromise, on the old system; and as that system had none of the ordinary elements of political strength, the further necessity of absolute and helpless dependence on foreign influence and foreign arms; the acknowledged necessity of garrisons, French or Austrian, to protect the Roman government against its own subjects; the alliance, once more mutually cultivated, and daily coming closer, between the Roman court and the harshest of despotic governments, those of Austria and Naples.

Persons must be very insensible who can look on a spectacle like this, a problem so precisely and clearly defined, and so distinctly solved, without being moved by it; those especially who, in a spirit of chivalrous paradox, in opposition to common opinion, have vaunted of the elasticity and power of the Papacy, of the necessity to the Church of its temporal dominion; of its independence of the powers of the world. What sort of independence is that which is indebted for existence to a foreign army which it wishes away, in order that it may be indebted for it to one which it likes better? What sort of dominion is that where neither love, nor fear, nor habit, nor interest, nor national sentiment, nor even religion, can ensure for a week the safety of the state? What sort of power is that which has been for centuries influencing its subjects, and finds them at the end no more to be either trusted or controlled than if they were Malays or Caffres, instead of one of the most cultivated and intelligent races of Christian Europe? What sort of elasticity is that which, after two years of factitious and unsuc-

cessful liberation, relapses blindly and desperately into the most antiquated despotism?

The political is not necessarily the theological point of view; but a great deal has been said, of late, in theological discussions on two points:—1. on the brilliant part which the Papacy has played in civilization—of arts, science, political institutions, all indebted to its fostering encouragement: and, 2. in another aspect of things, on the compatibility of good and successful political institutions with a very low standard of morality and religion; of public truth and justice flourishing, it may be, more in heretical than in Catholic countries, more among people devoted to wealth and self-indulgence, than in those marked by faith and devotion, yet flourishing simply on principles of the world, and a well-understood selfishness.

We are far from denying that there is truth in both these considerations. The Papacy has done much for civilization. Good political institutions may be very imperfect tests of Christian character. But there is another side to these considerations, and if one side is of weight, so is the other.

We believe that there is a great debt, for good as well as for evil, which Europe owes to the Papacy; but whatever the Papacy may have been, or have done in times past, is not to be put in the place of what it is and does *now*. If, formerly, it grappled with the times, and directed their energies—if it enlightened, and humanized, and guarded justice between the strong and the weak, it does not now. Let its most ardent champion in France or England imagine the political spirit of the Papacy, its customs and methods of governing, extended to the whole of Europe, and ask himself if even he could congratulate Christendom on the change. A Pope has acknowledged, as clearly as he could, that civilization has out-stripped the Papacy, and he tried to overtake it in vain. We do not know what can be a scandal, if it is not one of the worst kind, that the professed centre and seat of judgment of the Christian Church should be a political evil of the first magnitude, and as incurable as it is great; that the fountain and guardian of Christian principles for the whole world cannot keep its own people, the people whom it trains as it thinks best, from a chronic state of bloody faction; that a Pope has tried to govern well, to govern mercifully and justly, by law and not by terror, and could not.

And, on the other hand, if the excellence of a political system, the general rule of law in a nation, a real pervading regard paid to truth, justice, and equity, in matters social and political, a temper of considerateness and mercy, an attention, incomplete it may be, but systematic and effectual, to the welfare of the poorer classes, a wide sympathy for enterprises of

benevolence, a strong sense of security and mutual confidence ; and resulting from all this, order, tranquillity, and the successful exercise of industry, be but imperfect guarantees of the Christianity of a nation and its government, if they may be but the exquisitely adjusted contrivance of a worldly-wise selfishness, at least the absence of these things are actual positive proof against the soundness of professed religious principles. Christianity may be, doubtless, far short of its purity and due influence in a nation which is well governed, and in order ; but it is ludicrous to speak of its being more influential, where power is plainly abused, and government corrupt ; where justice cannot be trusted, where mercy is esteemed dangerous, where falsehood and violence are found by experience to be more successful than straightforwardness and reason ; and all this under a government unrestricted in its power, safe from external violence, possessing the highest religious influence, the spiritual guides as well as the temporal rulers of its subjects.

'La tyrannie est,' says Pascal, 'de vouloir avoir par une voie, ce qu'on ne peut avoir que par une autre.' Order, confidence, and peace, can only come to a government which will think and work for them. They are not meant to be the reward of one which has been, if not harsh, yet selfishly remiss and inattentive to the wants and welfare of its subjects. But as all governments must have subordination, such a one has to compel what it ought to have brought about ; the sword and the illegal tribunal must supply the place of past obligations evaded, duties unfulfilled, and influence wasted. Providence allows, for the time, in this as in other cases, an inversion of its appointed order, allows of these illegitimate expedients and short rough roads to peace ; but even in its visible course, it usually exacts compensation, and that not sparingly. And those who tell us how cheaply it holds, and how severely it judges, in its secret visitations, man's industry, man's justice, and man's mercy, may not doubt how it judges man's cruelty, to which he has been driven by his indolent neglect.

ART. IV.—1. *Sermons on Scriptural Types: Sacraments. Preached before the University of Oxford; with Observations upon some recent Theories.* By EDWARD HAWKINS, D.D. Provost of Oriel College, Canon of Rochester, Ireland Professor. London: Fellows. 1851.

2. *A Catechism of the Incarnation.* London: Masters. 1851.

WE have felt for some time that one thing was wanting to the healthy growth of that system of sacramental religion, which the Vicar of Islington assures us has of late made such rapid advances. No opinion can thoroughly take possession of the Anglo-Saxon mind, till it has been tried by opposition. Our countrymen are practical men; they are proverbially impatient of new theories: what is to assure them that the principles commended to their attention are really the staple and homebred doctrines of the ancient Church Catholic; and not a novelty invented by the philosophers of the day? No result, however, can follow such mere guerilla warfare as is carried on by Mr. Wilson and the editors of the *Record*; we must wait the arrival of some solid plodding man of letters, some one who can bring the Greek and the Hebrew to bear upon the fortress which he assaults; and we must see whether the structure which is presented to our eyes can stand the shock of such an opponent. Now the works recently written on this subject have seemed to us to want this sort of searching trial. Several books have appeared, such as the Bishop of Exeter's Pastoral, and Letter to the Archbishop; Dr. Pusey's Sermons, A.D. 1848; those of Archdeacon Wilberforce on the New Birth, together with his treatises on the doctrine of the Incarnation, and on the doctrine of Holy Baptism,—in all of which a distinct and definite view of what we may call the Sacramental System, has been put forth. We may characterise it, in one word, as the system which makes our Lord's Incarnation the corner-stone of the Christian faith; and supposes that the re-creation of our race in the one Mediator, is the restoration of those hopes which were forfeited by the sin of our first parent. The authors we refer to would be the last to suppose that their views on this subject are any discovery of their own; but the doctrine in question has certainly been put forward by them with unwonted prominence,

We are not sorry, then, to be able to observe how far it can stand its ground against so respectable an opponent as the Provost of Oriel.

This feeling is likely to be much more strongly entertained by those who are not so favourably disposed as we must allow ourselves to be, to a sacramental religion. We lately saw a letter, written, we were given to understand, by a very respectable Clergyman of the high and dry school, to a country paper, in which he expresses his desire that a writer of ‘acumen and learning’ ‘would have the kindness to examine the doctrine of ‘Archdeacon Wilberforce upon Baptism, and give the world a ‘criticism upon it. I sincerely ask this favour,’ he adds, ‘be-‘cause I feel my own heavy responsibilities. I have a very ‘large pastoral charge, and a numerous young family; and I ‘should think it my duty to begin *de novo* in my teaching, both ‘as a clergyman and a parent, were Mr. Wilberforce’s views on ‘Baptism unanswered. *Our participation by Baptism in the glorified humanity of our ascended Saviour*,—a phrase which the ‘Bishop of Exeter has also adopted,—seems to be the burthen ‘of every page which Archdeacon Wilberforce writes. I ask ‘the meaning of such language, and I am told that it is “the ‘Gospel.” All that I can say is, that he is setting forth a doc-‘trine which I never heard propounded from any pulpit, nor ‘ever read in any theological writings. No schoolmaster, no ‘college tutor, no divinity professor, no confirming nor ordain-‘ing bishop, ever gave me the remotest notion that such a ‘doctrine existed; and if it be “*the Gospel*,” I own that I am ‘leaving my flock in the dark, and bringing up my children in ‘heathenism.’ The writer subsequently goes on to say of this doctrine, that ‘it appears to be the root of the *Sacramental system* ‘which we now hear so much of, out of which the consubstan-‘tiation, which was advocated in Dr. Pusey’s celebrated Eu-‘charist sermon, would naturally grow, and with which it is ‘essentially connected.’

Our readers will feel that this worthy divine must have been as unfortunate in the authors whom he has read, as in the teachers by whom he has been instructed; they will pity his parish as well as himself, and say that he had better begin, not his teaching, but his studies, *de novo*. So far, however, we agree with him, that we wish to see this important subject fully discussed; and we think it desirable that he and others should know whether their families and flocks are growing up in heathenism. Such an opportunity he will now possess, for to oppose the Sacramental system is the avowed object of the work before us. Though assuming the more didactic form of

sermons, it is an attack upon several schools of opinion, and more particularly upon the writers to whom we have alluded. We are glad to be able to say that the gentlemanlike and Christian tone which Dr. Hawkins has adopted, affords a favourable contrast to the ordinary run of anti-tractarian philippics. We have none of those charges of dishonesty with which we are so familiar; nor any appeals to the Protestant spirit of the country to extinguish by force what cannot be subdued by argument. 'Heaven forbid,' says the Provost, 'that I should be suspected of wishing to drive any one further off from the truth, or from the pale of the Church of England, or of entertaining any other than the kindest feelings towards those of whose speculative opinions I have spoken with a freedom which the occasion seemed to require.'—Pref. p. xxix.

But though in the *manner* our author keeps fully to the principle he thus avows, yet in the *matter* his book is a direct assault upon the Sacramental system and its supporters. The Bishop of Exeter indeed is not mentioned, except it may be by allusion, (Dr. Hawkins is naturally unwilling to 'march through Coventry' with Mr. Goode;) but along with the other two writers whom we have mentioned, we have various references to the Rev. J. H. Newman's Lectures on Justification. These last, we think, might well have been spared; they have the appearance of being introduced *ad ieiudicium*, and all which Dr. Hawkins himself can say is that Mr. Newman's work contains 'traces of the same theories,' (p. 110.) Indeed, considering the nature of the work, we wonder that these traces are so indistinct, and we can only attribute it to the early period of Mr. Newman's theological course at which this book was written. In one respect indeed this circumstance is fortunate, for the Lectures on Justification are in consequence so entirely free from any Romish tendency that the most jealous Anglican can find nothing in them to censure.

The references to Mr. Newman, then, we take to be merely a fulcrum, on which the charges against Dr. Pusey and Archdeacon Wilberforce are meant to be rested. Dr. Pusey is censured for speaking of 'the mysterious connexion between the Body of Christ, which is His flesh, and the Body of Christ, which is the Church; and how, by partaking of that Body, we ourselves become what we partake of.'—(Hawkins, p. 124.) Again, in the Preface we are told, that the causes of secession to Rome are not those which Dr. Pusey has stated in his recent letter to the Bishop of London, (Pref. xxviii.) but this mode of teaching respecting 'the Church and the Sacraments.' (Pref. xxv.) And again, at p. xix., reference is made apparently to the recent charges against Dr. Pusey of encouraging 'the use of crucifixes,

rosaries, images,'—charges to which he has so satisfactorily replied. The censure at p. 122 must be directed, we conclude, against the Rev. Charles Marriott's recent sermon on 'God's People called Gods.'

But as the tenets, which Dr. Hawkins opposes, all circle round the one great truth that our Lord has taken our nature, it is against the work in which this doctrine is systematically set forth, that his main objections are directed:—

'To the work of Archdeacon Wilberforce, in particular, on the Incarnation, I could not but make frequent references. Not that it is the original source of these theories; nor that they are without recent support from high authority. Traces of them appear, indeed, from very early times; and germs of thought have been by degrees expanded into theories, until at length, in his learned volume, the hints scattered through the Fathers, or in our earlier writers, have been built up into an imposing structure. What was little observed, also, amidst the three ponderous volumes, for example, of Dr. Jackson's works, or had obtained little circulation in Mr. Newman's book on Justification, in consequence of the unhappy aberrations of that highly gifted writer, has gained currency and popularity among numerous readers through the evident piety and erudition, and the appearance of system and cohesion, in this elaborate performance.'¹—*Preface*, p. xxiv.

Dr. Hawkins, then, would have us suppose, that when the Oxford Delegates recently republished the works of Jackson, they had not adverted to that which we imagined to be his principal excellence, his deep appreciation, namely, of the mediatorial office of Christ, as giving reality to the dispensation of the Gospel. For ourselves, we gave the Delegates credit for considering that this circumstance compensated for that coarseness and virulence against our brethren of the Western Church, in which this old writer unhappily even exceeds his contemporaries. But we suspect that this undesirable preeminence will not give him so much claim to the approval of posterity as the passages which Dr. Hawkins selects for censure. Before entering, however, upon the justness of his criticisms, we wish to clear the ground by stating in a few sentences what are the general systems maintained by the parties before us, wherein

¹ We would call the attention of our readers to the work which we have put second at the head of this article, and which professes to be, for the most part, an analysis of two well-known works, Bishop Bull, on the 'State of Man before the Fall'; and Archdeacon Wilberforce, on the 'Doctrine of the Incarnation'; and we doubt whether we can better recommend this very useful compendium than by saying that its sixty-seven pages might have supplied the place of Archdeacon Wilberforce's larger work to Dr. Hawkins, when he says, 'From this source alone I might cite examples of almost every expression, against which I would warn the student.' We would add, however, that the Catechism is very well compiled, and though it may be too difficult for village schools, will be found to be a very useful present for intelligent schoolmasters. If there are any of the clergy also, who are conscious that there has been a want of dogmatic training in their theological education, they will find benefit from this little book.

lies their exact point of contrast, and in what conclusions they severally result.

Now there are plainly two dispensations to which we may refer all things—the dispensation of nature, and the dispensation of grace. The first is that which had its commencement in the creation, and of which the providence of the Creator perpetually shapes the course; inasmuch as man was the crown of the creation, it is in *his* nature that this dispensation finds its noblest object and most important effects. But since ‘the Lord has made all things for Himself,’ it is the *Divine* nature which supplies it with its cause and principle: ‘A Jove principium;’ the being and character of God gives the law to all His works. His universal influence, as it is defined by Aquinas, *Essentid, Præsentid, Potentid*, is that which directs and sustains the universe; all the lines which radiate into infinity have their centre in the Majesty of God.

With this dispensation of nature may be contrasted the dispensation of grace. As the first took its date from the creation of Adam, so had the second its beginning in the Incarnation of Christ. In that event the Christian kingdom of the Church had its origin. Its influence will extend in the end to the whole creation, (not, indeed, so as to save all, but so as to place all in new relations,) when the ‘new heavens and new earth’ of which Isaiah spoke, shall have their consummation. At present its sphere is in the elect, as they pass through that regeneration, which renews their souls, to that resurrection, in which their bodies will be revivified. As the dispensation of nature is moulded into its shape by God’s natural providence, so is this other under the direction of His grace: and as the former has its principle in that natural supremacy which results from the power and infinity of the Self-existent Being, so has the second its basis in those truths respecting the blessed Trinity in Unity, which make up the revealed character of God.

Now each of these systems has had its expositors; the one in the poets and philosophers of Heathenism, the other in the fathers and doctors of the law of Christ. Rationalism has been the result of the one; and the Creed, of the other. The first supposes the whole of our conceptions to be based on those notions of God and man with which reason supplies us; while the second is built on those complicated relations of the Father, the Son, and the Holy Ghost, in their actings towards each other, towards man, and towards the universe, which are revealed in Holy Writ. It supposes, therefore, that God the Word, the Second Person in this adorable Trinity, has been pleased to discharge those wondrous functions towards mankind which constitute the economy of grace. Thus does it introduce the

phenomena of man's fall, and of his subsequent recovery; and suggests considerations, without which his existence would be an enigma, and his nature a contradiction; for it supplies the means of realizing those hopes, which else would only awaken the anxiety, while they mocked the infirmity of mankind. Thus alone can man approach to Him 'who only hath immortality, 'dwelling in the light which no man can approach unto, whom 'no man hath seen, or can see, to whom be honour and power everlasting.' Amen.'

And herein we have the true guard against that tendency to Pantheism which is the besetting danger of all thinking men, if they are not sustained by a firm belief in the mediation of Christ. For if infinity and eternal existence be supposed to exhaust our ideas of God, what is there to discriminate Him from that boundless universe which He has constituted as a sort of reflection of Himself? The answer to this question is to be found in those moral characteristics of the Supreme Being, which, imperfectly set forth in the anticipatory shadows of the ancient covenant, were fully made known only through the advent of the Redeemer. For 'the only-begotten Son, which is in the bosom of the Father, He hath revealed Him.' We may illustrate this by a deficiency which has been pointed out in the theological system of that great thinker, Origen. He is well known to have used language, which, however his general orthodoxy may be defended by Bishop Bull, yet led, in itself, to a denial of that great doctrine of the *consubstantiality* of the Blessed Persons, which afterwards became the symbol of Christian belief. As yet, indeed, this had not been defined by the Church; so that the Provincial Synod at Antioch is generally supposed to have sanctioned the denial of that term, *consubstantial*, which, since the Council of Nice, has been the very criterion of a sound faith. Origen certainly declares in express words, in his treatise on Prayer, cap. 15 (ed. De la Rue, vol. i. p. 222), —κατ' οὐσίαν καὶ ὑποκείμενόν ἔστιν ὁ Τίος ἔτερος τοῦ Πατρός.¹ Now, what is the secret of this dissonance from that which the subsequent growth of the Church's mind has shown to be essential to Christian belief? It is well explained by Dörner² to be, that Origen had not emancipated himself from that predominant notion of heathen philosophy, that Deity lay in the mere self-existence of the Infinite, and therefore that the Son could not truly partake in that which was the essential quality of the Absolute essence.

¹ This passage is certainly confirmed by the tendency of various expressions, especially from tom. ii. in Joan., which are brought forward by Huet in his 'Origeniana.'

² *Lehre von der Person Christi*, vol. i. p. 687, 2d ed.

'Origen's general disposition to place the Son on the same footing as the Father gives way before the unyielding notion of the Τὸν οὐ, that dark remnant of the old heathen conception of the universe, which makes mere natural existence the ultimate idea of God. He would have viewed the matter differently, if he had perceived that the love of God, and his spiritual nature had made up his ultimate characteristics, for then might the Son have borne part in that which was essential to Godhead; and to be unbegotten, in which the Son could not share, instead of being regarded as essential to the ultimate Deity, would have been merely the characteristic of that personality, which marks out the Father; while Godhead at large would have pertained equally to the Father and the Son.'

Now we may invert Dörner's argument, and say, that as it was impossible for Origen to appreciate adequately the nature of the Incarnate Son, because he failed to discern the moral perfections which pertain to that of the Eternal Father; so it has been its clear estimate of the first, which has enabled the Church to discern the second.

'As long as Infinity alone was supposed the essence of Deity,' says Archdeacon Wilberforce, 'there was no communing with anything that could represent its nature, and bring home its greatness to our thoughts. But the acts, not less than the communications of Him, who is the express image of His Father's Person, have taught us that the moral attributes of Godhead make up the true brightness of its glory. Therefore can we say, in the sublime words of Anselm, "I ask not, Lord, to attain to Thy height, with which my understanding is not compatible, but I desire in some measure to understand Thy truth, which my heart believes and loves."¹'

This, of course, is the intention of the statement, that 'the doctrine of the Incarnation for the first time revealed the personal character of God,' which gives Dr. Hawkins occasion for a burst of well-assumed modesty: 'What this means, I do not presume to determine.' (Hawkins, p. 118.) Dr. Hawkins's well-known ability assures us that his failure in comprehension can only arise from that want of familiarity with the modes of thinking prevalent in the early Church, which his work everywhere indicates. We hope we are not guilty of disrespect when we avow a strong opinion that this is not the line to which his studies have been principally directed. It is deeply to be regretted that our professors of theology have not attended more to James I.'s advice, and forsaken such modern compendiums as are to be found in the 'Enchiridion Theologicum,' for the 'Summa' of Aquinas, or the 'De Trinitate' of S. Austin. It can only be from this circumstance that a person of Dr. Hawkins's evident acuteness fails to see that every article of the Creed stands upon a series of truths, which it sums up and embodies. To take it for granted, therefore, as he everywhere does, (*vide* Hawkins, pp. 75, 85,) that no theological proposition can be

¹ *Doctrine of the Incarnation*, p. 173.

important, if it be not expressed in direct words in the Creed, is as if a man were to dispute the utility of Euclid's Elements, because its demonstrations are not inserted in the *Principia* of Newton. For as the ultimate conclusions of the geometer are built upon the elementary relations of quantity and number, so the whole system of Catholic theology is built upon those primary relations which arise out of the nature of God and from His acts towards mankind. And, in either case, each link is essential to the coherence of the rest. As the system of the world is built upon the observed facts of nature and Providence, and thus arises moral philosophy out of a consideration of the duties of man, and natural theology out of those conceptions respecting God which reason inculcates; so the Church's system is derived from those relations of the Trinity in Unity which have been revealed. Let the first of these systems be taken as the basis of a theory of religion, and we have Rationalism; the second, and we have the Catholic faith.

Which, then, of these systems does Dr. Hawkins favour? To call him a Rationalist would be in the highest degree unjust; yet we are reluctantly driven to the conclusion, that as regards his theological system, the rationalistic theory is that which he accepts. He evidently regards the other as a presumptuous attempt to understand that which is beyond our capacity. And hence, so far as the several portions of his belief are put together upon any consecutive system, they must be referred merely to human principles and to natural laws. But then, he happily superadds various particulars of the utmost importance, derived from the teaching of Revelation, which he transplants into his own system. Such are the Deity and Humanity of our Lord, His Atonement, and Intercession, and the sanctification of man by God the Holy Ghost. It may be asked then, wherein does he differ from the established system of the Church, since he adopts its cardinal points? He differs in maintaining that these things are to be accepted barely, nakedly, individually, because they are declared in express words of Scripture; while he denies those principles which show their place in God's system of government, and harmonize them with the other doctrines of the Church. Hence he maintains that our Lord's functions towards man consisted merely in the discharge of certain offices, which devolved accidentally upon a Divine agent. Our Lord's mediation he affirms to have depended merely on Divine appointment, and not on 'the constitution of His twofold nature'; and he lays down a rule, which as he appears to understand it, would be fatal to the admission even of such truths, as that our Lord is consubstantial with the Father, or that His humanity was taken of the substance of the Blessed Virgin, or that there is an equality

of nature in the Persons of the adorable Trinity, or that the Holy Ghost is a Person, and a fit object for worship.

'Let it be said generally, that whatever theories of this kind' (he had been speaking previously of 'theories of explanation,' founded on our Lord's compound nature) 'pass beyond the written word, treat as known truths, or as logical deductions from revealed truths, what has never been revealed, and can only be known to us, properly speaking, by Revelation, then let us avoid them. Let us believe and adore, with humble and profound reverence, not explain, and expound, and discuss the ineffable nature of the Most High, or the profound mystery of the union of the two natures in Christ; even if we should thus appear regardless of the anathemas of a Cyril, nay reluctant to follow even where the excellent Hooker may sometimes appear to lead the way.'—P. 88.

Of course there is a sense in which such caution is entirely to be desired; and there is a limit by which all inquiries into the Divine nature must be restricted. That sense and limit must be fixed by the practice and judgment of the Church, as it is guided by the Holy Ghost in bringing forth from its treasures things new and old. The question is, then, not whether this rule is to be accepted; but whether we are to accept it with that intention, and in that manner which is here prescribed. Now our author gives us the ground of his rule: he is induced to put it forth by his observation 'that theories of the Church and of the Sacra-ments, such as are here mentioned, have prepared the way for 'the many lamentable secessions which we have witnessed in the 'last twenty years, from light to darkness.' (P. xxv.) Indeed, he seems to consider it a powerful argument against assigning to our Lord's Incarnation that reality which has been attributed to it, that those who do so would find that they agreed with the author of Möhler's 'Symbolik,' or the Abbé Gaume's 'Cate-chisme de Persévérance.' (Pref. pp. xiii. xiv.)

Now to this mode of reasoning we make two objections. First, we cannot conceive anything more certain to impair our estimate of the great doctrines of the Christian Faith, than the continual effort to take a lower view of them, than that which has been taken by writers in the Church of Rome. Why should we water down the mystery of the Trinity, or the grace of Baptism, because Romish writers have believed them? We are thankful that the Bishop of Exeter has openly avowed, that as respects Baptism our doctrine accords exactly with that accepted by the residue of the Western Church. We may add, that the exceptions to this statement, which are sometimes founded on the doctrine of intention, and on the effect of grace in overcoming concupiscence, are wholly visionary. But how can we expect that men will learn to respect the judgment of our branch of the Church, if no object seems so near to us, as to disparage the authority of other branches? We wholly deny then that it is

any proof that the doctrine of the Incarnation is not a reality in all its parts, because it has been supposed to be real by the Church of Rome. We object to the very principle that our theology is to be so Protestant as to consist merely of rejections and denials. We want a positive, tangible, constructive system. And in this feeling we are borne out by the 30th Canon, which wholly rejects a mere negative and relative faith.

But again, we say that among the writers which Dr. Hawkins taxes with erroneous teaching on this subject, are to be found some who have been notoriously as much opposed to the Church of Rome as himself. For our author is not sparing in his censures, and except Bishops Copleston and Hampden, and the Rev. J. J. Conybeare, scarce a Divine is mentioned, who altogether escapes. Jeremy Taylor indeed is let off in an erratum, inasmuch as the points censured are not chargeable upon him, but upon the Puritan, Thomas Taylor. But we are told that ‘Bishop Pearson is full of (these faults) in his admirable work on the Creed, under Article II., on the words “His only Son.” Hooker sometimes errs in the same manner.’ (P. 106.) (The Provost had evidently forgotten for the moment that he had not in hand the theme of some young Undergraduate.) ‘Dr. T. Jackson has more directly in several places adopted the expressions and theories under review.’ (P. 108.) These great writers may console themselves, however, by the fact, that if they have the Provost of Oriel against them, they are acknowledged to have on their side what the Church of England calls ‘the mind of the old Fathers.’ For it is admitted that—

‘The germs of the theories animadverted upon may no doubt be found in good authors, and in very early times. The ablest among the Fathers were not always aware of the imperfection of language, or of the limits of the human understanding, and of the immense interval which exists between our knowledge of a fact because it is revealed, and our competency to explain and account for it. . . . That Christ is our Mediator, and that He is both God and Man, are likewise revealed facts; but we are not therefore to pretend to prove, even with such authorities as Chrysostom and Theodore, that mediation of necessity requires that the Mediator should be of the same nature with both the parties, between whom he mediates.’—*Hawkins*, p. 106.

We must beg here to think, even in opposition to Dr. Hawkins’s opinion, that the Fathers knew what they were about when they wrote on dogmatic divinity; and in particular that they were right when they asserted that our Lord’s mediation was not merely the discharge of an office which might be committed to any one, but a reality, which had its basis in the grand mystery of His nature. ‘Officium mediatoris, nisi ex veritate naturae carnis, quam ex nobis habuit, implere non

'potuit, quoniam per ipsam inter Deum et homines medium apparuit.' (*Vigilius contra Eutychem*, v. 15.) As Archdeacon Wilberforce expresses it: 'The Christian faith is that Christ is not a mediator, one out of many, but the Mediator,—the real bond by which Godhead and manhood are united. And this arises not from any technical and artificial appointment; He bears this name because He is what it expresses.'—*Doctrine of Incarnation*, p. 213.

For charges, then, which affect Hooker and Jackson, as well as the writers of our own day, there must be some deeper ground than modern defections. And when we inquire what it is which Dr. Hawkins supposes to savour of Romanism, we find that the Church of England herself is as really in fault as the Tractarians. For his real object of aversion is the 'notion of a proper priesthood under the Gospel,' and the 'adoption of the term "priest" for the Gospel "presbyter."' (P. 21.) Now these are points for which the Church herself is responsible, and which can only be got rid of by such an alteration of the Prayer-book as has lately been proposed. The Professor of Hebrew is alleged by Dr. Hawkins to go further towards Rome than is tolerated by the Church of England; but what are we to say if the Church of England goes further towards Rome than is tolerated by the Ireland Professor? Is there not a danger on one side as well as the other?

'Incidit in Scyllam cupiens vitare Charybdim.'

And this leads us back to that which we consider to be the danger of Dr. Hawkins's system; the wide door which it opens to Rationalism. For here are two systems; one springing out of our belief in the God of nature, the other growing out of our relations to Him who is revealed as the God of grace. Now no proofs of our Lord's Deity and offices address themselves with so much force to the individual reason as those which are founded on the typical arrangements of the ancient law. The doctrine of the Atonement is in itself as wonderful as that of the Incarnation, and the sacrifice for sin as startling as the re-creation of mankind by sacramental grace. These things, then, plainly demand all the arguments which we can bring for them; and those who do not accept the Church's judgment will require them to be recommended by independent evidence. But what answer is to be given to those who adopt the theory of Tillotson, that the necessity of sacrifice and mediation were ancient prejudices, to which it pleased God to conform Himself in the dispensation of the Gospel?

'There were two very ancient and common notions, both among Jews and Gentiles, of the original whereof it is hard to give any certain account;

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only this is certain, that they did prevail very early, and did very generally possess mankind; and they were these: first, that God was not to be appeased towards sinners, merely upon their repentance, without the death and suffering of some other in their stead; and that God would accept of this vicarious punishment and suffering, instead of the death of the sinner himself. . . . Secondly, another common notion, which had likewise possessed mankind, was that God was not to be immediately approached by sinful men, but that their prayers were to be offered up to the Deity by certain mediators. . . . Now with these notions, which had generally possessed mankind, (how imperfect soever,) God was pleased to comply so far, as in the frame of the Jewish religion (which was designed for a type of the more perfect institution of the Christian religion, and a preparation for it)—I say, God was pleased to comply so far with these notions, as to appoint sacrifices to be slain, and offered up for the sinner; and likewise an high priest. . . . And when “God sent His Son in the fulness of time,” He was pleased likewise, in the dispensation of the Gospel, to have so much regard to these common notions and apprehensions of mankind, as to provide for the supply of those two great wants, which they seemed always to have laboured under; viz. an effectual expiatory sacrifice for sins upon earth, and a powerful mediator and intercessor with God in heaven.’ —*Tillotson, Sermon 71.*

Such was the theory of Tillotson, which no doubt recommended him as much to ‘*our great deliverer*,’ as it would to the eulogist of William III. in the present day. For it is impossible to conceive any mode of arguing which more completely upsets the whole system of Catholic truth, and would therefore tend more, in Lord John’s opinion, to the corroboration of the Protestant character of the Church of England. For here are two systems, the Law and the Gospel; the first being the preparation for the final exhibition of God’s dealings, the second the full expression of His will. It is disputed whether they ally themselves with those revealed doctrines respecting Almighty God, which are asserted by the Church, or whether they have grown, by a mere process of accretion, out of the natural notions of mankind. In the first case, they would be supernatural and divine; in the last, they would be merely an elaborate fiction of human reason. Now what more certainly implies them to be the last, than the notion that Christianity was only built upon Judaism, and Judaism upon the prejudices of nature? Thus do we step down from Nature to the Law, and from the Law to the Gospel.

‘That which Rationalists dislike in the Old Testament is that it represents the system of mediation as an advance on the system of nature. . . . Hence Socinians represent the law, together with the whole system of mediation, to which it conducted, as a concession to the infirmities of an uncivilized age, which could not rise to the level of an intellectual religion.’

Such must evidently have been the tendency of the Law,

¹ Wilberforce on the Incarnation, p. 388.

unless it was a preparation for the Gospel. Its laborious rites, the scrupulous exactness of its technical observances, its minute provision for details apparently insignificant, must either have been a concession to the puerility of man's early state, or a preparation for the realities of his future destiny. To suppose that they had their completion in themselves, would be as unreasonable as to imagine that the object of man's existence is to be found in the sports of youth. The thing to observe is, in which direction was the world moving; was it descending from nature, or ascending towards grace. Every one admits a relation between the Law and the Gospel; the only question is, whether the former was a preparation for the latter, or whether the latter was only pieced on to the former; whether, in short, it was only a result of that process which had been required by the intellectual childhood of mankind.

Now hence the importance not only of vindicating the Law against such writers as Bunsen, who represent it as a diminution of that intercourse with God which previously existed,¹ but of showing likewise that the Gospel was not, as Tillotson and Taylor² would represent, a supplement to the Law, because the Law, on the contrary, was a preparation for the Gospel. And here comes in the importance of typology, a subject which Dr. Hawkins has treated in the two first sermons of the volume before us, but not, we are sorry to say, in a more satisfactory manner than he has discussed the 'Sacramental system' in the two last. Here again we recognise what appears to us to be Dr. Hawkins's capital defect—a technical and unreal manner of dealing with the system of revelation. It had been affirmed by Bishop Marsh, that nothing could be said to be a type, which had not been expressly declared to be such in Scripture. This is naturally considered by Dr. Hawkins to be too rigid a rule, and he substitutes the following:—'The divine *intention* to "foretell or foreshadow, is essential to the idea of a scriptural "prediction or type.' (Hawkins, p. 66.) Now we should the less quarrel with this statement, if Dr. Hawkins would go on to tell us who is to decide what is the Divine intention, and if we found him referring the matter to that authority of the Church, to which the right of judging can alone be conceded. But such is not the case. He does not, indeed, tell us who is to be judge; but by his mode of proceeding, we see plainly that the real judge in this instance is supposed to be himself. And he proceeds to execute his office in a manner the most narrow and arbitrary. He rejects various types which we should have fancied to be singularly apposite, while he adopts others which,

¹ Vide Wilberforce on the Incarnation, p. 388.

² Vide Commentary on Romans, by John Taylor, of Norwich (a Socinian).

without denying their applicability, would have seemed to us comparatively far-fetched. No doubt he has as good a right to judge on this subject as his reviewer, but he has not a right to adopt types of his own, while he rejects those which are authorized by the Church. The ark is an authorized type of the Church, and the passage of the Red Sea of Holy Baptism; yet while he will not allow them to be really types, (pp. 49, 59,) he sanctions the application of this title to the fact that the homicide might not return to his city till the death of the existing high-priest. (P. 32.) This circumstance is not incapable of a further application, but it surely lacks that completeness and simplicity of relation, which belong to the rejected types, which are sanctioned by the Church.

But while we should demur to Dr. Hawkins's judgment in these particulars, we demur still more to his right to constitute himself a judge at all. He has no right to limit the typical force of scriptural actions to any particular set of images, which may commend themselves to an individual mind. There is a fulness and depth in the great ocean of God's counsels, which no single observer should assume that he can exhaust. The Church is the only body which has authority to affix a particular meaning on any individual incidents in the divine economy; but no one is restricted from exercising those powers of analogy which God has given him, in discerning the wonderful harmony and adaptation of the Divine ways. For 'God hath set one thing against another,' and '*all* these things were written for our admonition, upon whom the ends of the world are come.' To doubt therefore 'whether there are any types in the old Scriptures of the Christian sacraments,' (p. 35,) and to censure those who 'imagine intended types of the Christian Church in 'every place of happiness or refuge, or record of deliverances; the 'garden of Eden, the ark of Noah, the call of Abraham, the 'Tabernacle in the desert, the house of Rahab, the city Jerusalem,' (p. 49,)—all this would seem to us to be a renunciation of that system of employing the Old Testament which the Church has sanctioned by the immemorial use of the Psalms. We say with Augustine, 'Novum Testamentum in Vetere latet: Vetus in Novo patet.' With the greatest living Christian poet, we affirm, that the ancient Covenant is as full of meaning to the Christian eye as the material universe.

'Two worlds are ours: 'tis only sin
Forbids us to desery
The mystic heaven and earth within,
Plain as the sea and sky.'

And we have the advantage of his guidance, whose title as the 'interpreter of nature,' gives him a right to be listened to in

an inquiry into God's ways, when, in Tract 89, (Tracts for the Times,) he tells us what was the feeling on this subject of that ancient Church, which possessed a claim to attention from authority as well as position.

But we must return to the subject which we left. It is clear that there exists a relation between the system of the Old and of the New Testament; but which is the model, and which the imitation? was the Gospel an adaptation to the technicalities of the Law, or the Law a shadow of the mysteries of the Gospel? This is obviously a question of great moment: on its answer depend the pretensions of Rationalism and of the Christian faith. Are we to adopt Tillotson's system with the Neologist, or the ancient belief of the Church? Now here it is that the technical system adopted by Dr. Hawkins, appears to us to labour under such great disadvantages. For what can enable men to answer this question, but a knowledge which of the two systems is the *real* one? There are those, like old Baxter, whose intellect abhors confusion, and who when they find such statements as that the acts and offices of our Lord are but the technical discharge of certain appointed functions, and have no real root in His nature, will be unable to believe that things which are merely figurative are to take precedence of those which had an undoubted reality. The Eucharist, according to Dr. Hawkins, is only a figurative transaction, and it is not true in any sense that we '*literally* partake of the body and blood of Christ.' But that the Israelites were fed with manna, was certainly a *real* and momentous benefit. What wonder then if men suppose that the Law, which gave the last, was the reality, and that the Gospel was only a figurative adaptation to certain ancient prepossessions? And the same consequence results from such statements as those of Bishop Hampden, by which the reality of the covenant of grace is evacuated. Thus when he denies 'that we may attribute to God any change of purpose towards men by what Christ has done,' or affirms that 'the ready reception of such a theory of sacramental influence' is to be attributed to 'the general belief in magic in the early ages of the Church,' the natural inference will be that a system, which is thus visionary or ideal, must be subordinate to the Law, the reality of which in its line cannot be disputed. We have known children address a wax figure as if it could hear and reply to their words. But they were undeceived when they found that though identical with its object in colour and shape, it wanted reality. If our Lord's mediation, then, be supposed to be only a formal, and not a real transaction; if it be represented as an office, which any one else might have discharged, and not a consequence of that nature of which He had actually partaken;

will not His Atonement also be in danger of being esteemed only a condescension to the prejudices of mankind, and the death upon the cross be held to be a nominal, and not a real sacrifice?

That this tendency results from a denial of the Sacramental system, might be shown by a far wider induction than that on which Dr. Hawkins has based his argument. It might be demonstrated by the experience of all the Protestant states of the Continent. Nor is there wanting evidence nearer home. What has been the result of that systematic discouragement which Catholic principles have received from the heads of his own University? Has it deepened the religious character of the place? And is not Germanism as much opposed to Church-of-England principles as Popery? Has not the whole system of supernaturalism been recently called in question in the University pulpit; and that when it was occupied by the preacher, for whose appointment the Heads of Houses are specially responsible? And has not the effect been, as might be expected, that from disbelieving the reality of our Lord's offices, men have been led to reject the most sacred truths respecting His nature; that the Rationalistic system has led them into Rationalism itself? If some have left Oxford for Oscot, others have, in like manner, forsaken it for Manchester or Gower-street.

We have stated what are the two systems, of which Dr. Hawkins appears to us to adopt one, and the Church of Christ to receive the other. We have pointed out what are the *a priori* inconsistencies of his theory, and what its practical results. A scheme so technical and unreal must needs lead to consequences which its supporters neither desire nor expect. Nature is an irresistible logician; and forces upon men the consequence of their principles as well as of their acts. We now pass to the particular arguments on which Dr. Hawkins rests his cause. They are wholly of a negative kind. He has nothing to object to the Sacramental system, except those injurious results which he alleges to attend it. Nor yet does he affirm it to be contrary to Scripture, or incompatible with reason: his sole argument is, that it does not stand on a sufficient basis. The scriptural statements which are alleged in its behalf *may*, he thinks, be otherwise interpreted, so that the mind is not compelled to accept it. Now we must premise that this is a somewhat delusive mode of reasoning, since a truth may be clearly established by the concurrence of various scriptural statements, though there occurs no individual assertion of it, which is not capable of receiving another interpretation. It would be difficult to say on which pillar stands the iancent Abbey of

Westminster, because its many graceful columns contribute each their several aid to its support. And many of the most important doctrines are to be gathered from the comparison of various statements, rather than from one single dogmatical definition.

Let us consider, however, the evidence for the Sacramental system; and particularly for that part of it, respecting which we are willing (with little alteration) to accept Dr. Hawkins's definition—the assertion, namely, that those graces which are needed for the restoration of mankind were embodied in the Humanity of the Word, that from Him they might be communicated to His brethren. ‘We are told,’ he says, ‘that ‘Christ was and is *the* Mediator by virtue of His Incarnation, ‘and the actual constitution of His divine and human natures; ‘that these His two natures mutually influence each other; that ‘hence He is the Second Adam, and as we have inherited a ‘corrupt nature, derived to us by our natural descent from the ‘first man, so we are to restore and purify it by our union ‘with the Second Man.’ (Preface, p. vii.) Now, without entering fully upon this subject, which would require a volume as large as the work of Archdeacon Wilberforce, we will shortly refer to the passages on which the positions in question are grounded.

They have their origin in the scriptural statement, that Christ is the Second Adam, and, therefore, that there is some real manner in which the relation which we bear to the one Adam, is analogous to that which we bear to the other. This is to be inferred from Rom. v. 14—17, as well as from 1 Cor. xv. 45. Let the doctrine of original sin be fully accepted, and its mysterious influence on man’s whole nature considered, and there is in these passages the groundwork for some wonderful relation to that new Man, of whom we are told that Adam was the type. And what adds importance to the former of these passages, is its introduction by S. Paul as the proof of his assertion, that our justification, or reconciliation with God, is brought about through the agency of the Incarnate Son. No doubt, if the doctrine of the Fall be not admitted to be a reality—if that which we read about Adam be merely a parabolical way of expressing the truth, that all men are, in fact, found to be sinners, the reference to Christ may be understood to be merely a statement of the fact, that men will rise hereafter as Christ has done; but those who believe that the circumstances stated respecting the first man are the expression of a deep principle, will not attach less importance to that which is revealed respecting the Second.

Next, it must be considered that this new Adam is expressly

stated to be a new ‘beginning of the creation of God;’ Rev. iii. 14. He is called the ‘first-born of every creature;’ ‘the first-born among many brethren;’ Col. i. 15; Rom. viii. 29. In Him, that is, the new race took its commencement, as the old in its earthly father. And on this new birth depend all the blessings of the Christian covenant, by which the ancient principles of relation to God have been superseded; for ‘in ‘Christ Jesus neither circumcision availeth anything, nor uncircumcision, but the new creation’ (*καὶνη κτίσις*).

Now, Adam is stated to have been created in God’s likeness, and thus to have possessed that immediate intercourse with his Maker, of which sin deprived him. But this resemblance is said to be given back to all regenerate persons; they ‘have put on ‘the new man, which is renewed in knowledge after the image ‘of Him that created him.’ Col. iii. 10. And if it be asked how this likeness is attained, S. Paul further informs us that it is by admission to that fraternity, of which the new Adam is the head; it is appointed by God for those who are ‘conformed to ‘the likeness of His Son, that He might be the firstborn among ‘many brethren.’ Rom. viii. 29.

Moreover, this relation is brought about through our Lord’s taking man’s nature: ‘He layeth not hold of angels, but of the ‘seed of Abraham He layeth hold:’ ‘forasmuch as the children ‘are partakers of flesh and blood, He also Himself took part of ‘the same;’ Heb. ii. 14—16; and consequently His mediatorial work is expressly stated to depend on His man’s nature: ‘There is one Mediator between God and men, the *man* Christ Jesus.’ 1 Tim. ii. 5.

And as this shows the relation between Christ and man, so do we read in Holy Scripture of a mysterious relation, which is to obtain between man and Christ. For ‘as we have borne the ‘image of the earthly, we shall also bear the image of the ‘heavenly.’ 1 Cor. xv. 49. No one who duly estimates the relation between sin and death on the one side, and between regeneration and resurrection on the other, can doubt that in these words the Apostle is not merely speaking of the restoration of man’s material frame, but that he is referring also to that principle of life which exists already in an embryo state in Christ’s servants. And of this he speaks in his next Epistle, as possessing a present action: ‘We all, reflecting like a glass ‘the glory of the Lord, are changed into the same image from ‘glory to glory, even as by the Spirit of the Lord.’ 2 Cor. iii. 18. These are those ‘exceeding great and precious promises,’ spoken of by S. Peter (2 Ep. i. 4), ‘that by them ye might be partakers ‘of the divine nature, having escaped the corruption that is in ‘the world through lust.’

Dr. Hawkins attempts to evade the force of the last expression by affirming it to be a mistranslation. His objection appears to us to be critically inaccurate; because the absence of the article¹ in *regimen* is no necessary proof of indefiniteness; and the whole context of Scripture shows that the improvement of man's nature is to be brought about through its renewal from a higher source, and not through the self-dependent exaltation of its own powers. Indeed, the interpretation of Dr. Hawkins would lead rather to the notion that there was some semi-divine or heroic nature, such as Jamblichus² speaks of in his life of Pythagoras; whereas Holy Scripture knows of nothing Divine save the nature and perfections of the one Supreme Entity. And this Supreme Being it is who, in the Person of the Divine Word, has been mercifully pleased to undertake the restitution of man's nature. To this refer the habitual statements of St. Paul, which speak of 'putting on the new man,' Eph. iv. 24; of being 'risen with Christ,' Col. iii. 1; of 'Christ in you,' 2 Cor. xiii. 5, (*vide* Rom. viii. 10, 11); with many other expressions, which point to some spiritual yet mystical incorporation in the new Adam.

But some means are required, whereby this union between Christ and man may be effected. Now, if Christ our Lord were simply a spiritual essence, destitute of all those conditions which make up bodily existence, we might naturally assume that this union would be brought about through that immediate action of mind upon mind, of which consciousness seems to assure us. This would be merely a supposition, no doubt; but under the circumstances, perhaps not an unnatural supposition. And to the rationalist this supposition seems incontrovertible. But then Christ is not merely a Spirit: He has taken, we have seen, our whole nature, and become its Head in that compound character which it assumed in our first parent. So that we need some further mode of union with Him, seeing that it is His manhood which is especially set forth as that with which we are to be united. Here, then, Scripture comes in, and tells us distinctly that this union is brought about in sacraments. Nothing can be more distinct than the assurance that, 'As many of you as have been baptized into Christ, have put on Christ,' Gal. iii. 27; or that, 'We being many, are one bread and one body, for we are all partakers of that one bread,' 1 Cor. x. 17; and therefore it is

¹ * When the noun governing is indefinite, the governed becomes anarthrous.—Middleton on Article, cap. iii. 7.

² Ἰστορεῖ Ἀριστοτέλης ὃν τοῖς περὶ τῆς Πυθαγορικῆς φιλοσοφίας, διατρεψίν τινα τοιύδε ὑπὸ τῶν ἀνδρῶν ἐν τοῖς πάντις ἀποβρήτοις διαφυλάττεσθαι· τοῦ λογικοῦ ἥσου τὸ μὲν ἔστι θεός, τὸ δὲ ἄνθρωπος, τὸ δὲ οἶον Πυθαγόρας.—Jamblichus de Vita Pythagorae, cap. vi.

said, ‘We are members of His body, of His flesh, and of His bones,’ Eph. v. 30.

There remains one step further. The Humanity which our Lord had consecrated by His precious offering is revealed to us as the one thing of worth which the whole renewed race is authorized to plead in its prayers; so that not only is Christ’s body the very fountain of grace to all men, but it is the common offering, which His whole Church is for ever putting forward in its most solemn service. ‘As often as ye eat this bread, and drink this cup, ye do show the Lord’s death till He come.’ 1 Cor. xi. 26. For Christ has offered ‘one perpetual sacrifice for sins.’ Heb. x. 12. So that the whole services of the Church are bound together; and all of them have their centre in that manhood of the Incarnate Son, which is the true fountain of grace.

Now, as this view respecting the Sacraments has been shown to stand upon an abundant amount of scriptural evidence, so it might be confirmed by various statements, which in themselves, perhaps, would be insufficient to establish it. Such is the frequent mention of the Church under the title of our Lord’s body. Dr. Hawkins, indeed, complains that ‘it is little better than a play upon words to contend that because the Church is called “a body,” and the “body of Christ,” therefore it is bound by some relation to that body of Christ, which came into existence at His Incarnation.’ (P. 123.) And it may readily be admitted that if this were an unsupported, or an unusual expression, it would be insufficient to sustain any doctrine. But when this figure is employed repeatedly, and in various relations, it becomes impossible to doubt that some truth of moment is designed to be conveyed by it. Dugald Stewart has shown in his Essays, that abstract ideas can only be conveyed by figurative language, and that their combination and habitual use establishes the reality of that conception, which they are intended to convey. All languages apply terms to the soul which are drawn from the most subtle, refined, and active of material agents. Yet it cannot be denied that it is a *play of words* to say, that because different nations speak of the soul as ψυχή, ψυχή, and *anima*, therefore they imagine it to be an immaterial substance. The only question then is, whether such an argument from words is legitimate. And in this case we prefer Hooker’s authority to that of the Provost:—

‘In Him, (*i. e.* Christ,) we actually are by our actual incorporation into that society, which hath Him for their Head, and doth make together with Him *one body*, (He and they having in that respect *one name*,) for which cause, by virtue of this mystical conjunction, we are of Him, and in Him, even as though our very flesh and bones should be made continuant

with His. . . . It is *too cold an interpretation*, whereby some men expound our being in Christ to import nothing else, but only that the self-same nature which maketh us to be men, is in Him, and maketh Him to be man as we are. For what man in the world is there which hath not so far forth communion with Jesus Christ? It is not this that can sustain the weight of such sentences as speak of the mystery of our coherence with Jesus Christ. The Church is in Christ, as Eve was in Adam; yea, by grace we are every one of us in Christ and in His Church, as by nature we are in those our first parents. God made Eve of the rib of Adam. And His Church He frameth out of the very flesh, the very wounded and bleeding side of the Son of Man. His body crucified, and His blood shed for the life of the world, are the true elements of that heavenly being, which maketh us such as Himself is of whom we come. For which cause the words of Adam may be fitly the words of Christ concerning His Church, "flesh of my flesh, and bone of my bones," a true native extract out of mine own *body*. So that in Him, even according to His *manhood*, we, according to our heavenly being, are as branches in that root, out of which they grow.'—*Ecclesiastical Polity*, v. 56, 57.

This truth, so distinctly laid down by Hooker in this celebrated passage, might be illustrated by many parallel considerations. Take for instance the manner in which Scripture speaks of the gift of grace. Its source is in God, from whose presence and influence alone is derived the goodness of the creature. And since the excellences of the Supreme Entity are in an ineffable manner a portion of His Essence, therefore their communication to the creature is, in some mysterious way, connected with those eternal relations, whereby the Three Persons in the Blessed Trinity are discriminated. For we are taught in Scripture that, as the same substance which has its ultimate source in the Father, (*πατρὶ θεότητος*) is common by Eternal Sonship to God the Word, so the substance of the Incarnate Son is imparted as the regenerating principle to His brethren: 'As the living Father hath sent Me, and I live by the Father, even so he that eateth Me, even he shall live by Me.' Of course we are not speaking of any physical process, nor of the communication of such a material substance as can be an object to the senses; but of that communication by grace of which we have just spoken in the words of Hooker. Now in what manner is this grace communicated? It is surely a remarkable circumstance that the notices of grace in the Gospels 'relate in every case to that mysterious process, whereby our Lord's manhood was consecrated to be the new Head to His brethren. All that is said of grace in the Gospels is, that it was poured, as into a fountain, into the manhood of the Son of God, that from Him it might afterwards be distributed to His members.' And it is only after the Church had been set up, and the manhood of the Eternal Word had been consecrated to be the medium through which graces were communicated, that

we read of the gift of the Holy Ghost to individuals. We will give the sequel to the words which we have just quoted, from a work by Archdeacon Wilberforce, which forms a sort of supplement to his ‘*Doctrine of the Incarnation*:’—

‘ This action of the Three Persons in the Holy and Undivided Trinity is perpetually set before us in the Doxology or Blessing of the Christian Church ; “ and may there be with you,” says the Apostle, “ the grace of the Lord Jesus Christ, and the love of God, and the communion of the Holy Ghost ! ” The love of God—the ultimate and original principle of the world’s recovery. The communion or fellowship of the Holy Ghost,—this is that hallowed influence which diffuses itself through the Church of God, animating it as the soul does the body, and thus quickening into life the element which it combines. But “ the grace of our Lord Jesus Christ”—because in Him is the beginning of that new creation, which from Him is imparted to His brethren in the world. He is the Head, from whom all the body by joints and bands has nourishment ministered. For it is the Son alone who became incarnate, and not the Father or the Holy Ghost. So that out of Him grows that course of grace which is opposed to the course of nature ; that higher life, which is opposed to the inheritance of the first Adam ; for “ if any man be in Christ, he is a new creature ; old things are passed away, behold, all things are become new.” In this great work does the whole blessed Trinity cooperate—the Father, by His original will ; the Holy Ghost, as the acting principle ; both when the Son took our nature by Incarnation, and when we are impregnated with His by regeneration and grace. For “ He that raised up Christ from the dead shall also quicken your mortal bodies by His Spirit that dwelleth in you.” But that into which we are actually engrafted, that whereof it may be truly said, according to the course of grace, we are bone of His bone, flesh of His flesh, is that Second Person in the undivided Trinity, who has vouchsafed to become the new Head of man’s race. Therefore do we read ever of the grace of Christ, never of the grace of the Spirit.’¹

Such are some of the considerations which might be adduced as illustrative of the Sacramental system ; and it may further be said, in answer to the alleged paucity of those passages in which its cardinal principle is distinctly affirmed, that we have been used to accept other scriptural truths on much less evidence. Such topics might be mentioned as the universality of the resurrection of the body, or the Personality of the Holy Ghost ; in respect to which we receive such judgments as the Church has founded on the general tenour of Holy Writ. But that which is still more to the point is the reference made in the Old Testament to the immortality of the soul, and the vicarious sufferings of the Messiah. Both, and especially the first, appear to have been more or less appreciated by thoughtful members of the ancient Church : yet in what express passage is the first conveyed ; and where is there any direct mention of the second, except in one single chapter of Isaiah ? Again, if it be objected

¹ Sermons on the New Birth. Serm. xvii. p. 208.

that the doctrine of Mediation through the humanity of our Lord, and our union with Him in sacraments, is said not to be stated so distinctly and so much dwelt upon in Scripture as our Lord's Atonement for sin upon the cross, it must be remembered that the last of these doctrines required to be vindicated against a counter theory, the belief in man's acceptance through the merit of the Mosaic sacrifices; whereas there was no counter theory of grace, which required to be eradicated. Hence those direct arguments, by which the Apostle establishes the efficacy of our Lord's sacrifice, and shows that the blood of bulls and of goats can never take away sin: while the principle of man's renewal through his re-creation in the Second Adam was left to follow indirectly from the general statements respecting the Incarnation and Mediation of Christ, and from the place which in practice was assigned to the sacraments in the dispensation of the Gospel.

Further, it must be borne in mind (to touch upon a deep and sacred subject) how intimate is the connexion between the several operations of the Persons in the ever-blessed Trinity, and those eternal relations of the several Persons towards one another, in which these operations have their root. For it is an established principle in theology, that the diversity of Persons in the Blessed Trinity depends upon the relations of the Three Persons towards one another—relations, independent alike of time, and of the created universe—but that these relations become known to us through the agency of the several Persons in this world of time, and in the economy of man's salvation. 'The dispensation of the Gospel,' says Gaudentius, 'is that 'one is preached to us who sends, and another who is sent. For 'the mind of man would not believe that the Father was 'Father, the Son Son, and the Holy Ghost Holy Ghost, unless 'it learnt their distinctness from the mention made of the Sender 'and the Sent.'¹ It is to this consideration that we must recur, as the reason why less precision was used in the earliest ages of the Church, while as yet the nature of the Three Persons in the Blessed Trinity had not been called in question, than afterwards became necessary in discriminating their offices. 'No 'one acquainted with the most ancient writers,' say the Benedictine Editors of S. Hilary, 'can deny that the word *Spirit* 'with them does not stand for any one Person, but is used 'indifferently for that nature which is common to the Father, 'the Son, and the Holy Ghost.'² But as time went on, it was found necessary to be more exact in showing how the office of the Holy Ghost arose out of His Eternal Procession, and how

¹ Gaudentius, Tract xiv.

² Preface to S. Hilary, § 62.

the Incarnation was allied to the Eternal Sonship of the Word. For it was only by the careful discrimination of their functions towards mankind, that the real diversity of the Persons themselves could be duly vindicated. So that the disputes which arose respecting the Blessed Trinity in the first five centuries of the Christian era were the means of giving to the Sacramental system a greater exactness, and of supplying a theoretical basis for various principles, which before had received only a practical exemplification.

Now while this circumstance may account for the more distinct tone in which the Sacramental system was expressed by those who opposed the Sabellian and Nestorian heresies, it supplies a reason also why Dr. Hawkins should have abstained from censuring those Fathers who have suggested reasons 'why "it was more fitting that the Son should have become Redeemer, "than the Father or the Holy Ghost.' (Hawkins, p. 86.) For what have they done but point out the wisdom and appropriateness of that course, which it had pleased God to adopt; and wherein does this differ in principle from Dr. Hawkins's own remarks on the suitableness of our Lord's atonement? Especially when it is considered that it is by the actings of these Blessed Persons in time, that we gain a knowledge of those relations, which are independent of duration. So that inquiries of this nature were, in truth, dictated by the desire of excluding that Sabellian theory which denied the reality of the Three Blessed Persons. For it is Sabellianism to base the diversity of Persons in the Blessed Trinity mainly upon their relation to the created universe; seeing that it would follow that there would be no Trinity, if there had been no creation. Yet if men would take the trouble to follow out their thoughts, they would find that this is the real meaning of all those assertions, [which nevertheless we often hear made,] that the Sacramental system transfers those functions to the Word, which pertain properly to the Holy Ghost. The result of this mode of reasoning is, that if the Holy Ghost sanctifies, the Word must have ceased to do so; and therefore that the action of the one supersedes that of the other. We meet with too much language of this sort in Dr. Hawkins, though it does not pass into that direct Sabellianism which is to be found in Archbishop Whately and his followers. Yet it implies a forgetfulness of the truth that the relations of the Blessed Persons in the Godhead are eternal relations: that they are independent therefore of time and circumstance; that the action of each Person towards mankind is an earthly expression of that nature, which can know no alteration; and thus that the operations of the Incarnate Son and Sanctifying Spirit are coincident, and not successive.

We have been compelled by the nature of Dr. Hawkins's censures to give a more constructive form to our remarks, than could be required, perhaps, from those who are simply on the defensive. It is impossible to answer his direct arguments against the Sacramental system, because he gives us none to answer. He proceeds only on the want of sufficiently decisive evidence, on the paucity of scripture proof, on the possibility of giving to figurative expressions a less exact application. Having shown then that the scriptural evidence is far stronger than he admits it to be, and suggested some causes which may have given it that particular form which it has assumed, we must point out in conclusion the dangerous tendency of Dr. Hawkins's arguments, and show what is the arsenal from which, however unconsciously, his weapons are borrowed. For his mode of reasoning is nothing more than Socinian writers have always adopted in their assaults upon our Lord's character and offices, and it would be exactly as effectual against the doctrine of the Atonement, as against the re-creation of mankind in Christ. Indeed, by destroying the reality of our Lord's mediatorial character, and resolving His actions into the technical discharge of certain appointed offices, he does away with the strongest arguments for the truth of His Atonement, and opens a door for those who resolve it into a mere fictitious condescension to the notions of men.

The character of Dr. Hawkins's objections may be readily discerned by comparing them with the objections which are usually taken by Socinian writers, when the Gospel is represented to be a mystery. We have referred to the theory of Taylor of Norwich, respecting the types of the Old Testament, and observed that, according to the principles of Dr. Hawkins, it would be impossible to answer him. If our Lord's Mediation be not a reality, founded on that true relation which He bears to men, it would be difficult to show that the language employed respecting him is not a mere *accommodation* to the figurative language of early times. Taylor cannot conceive 'what the 'end and use of the mercy-seat could be, unless it was to denote 'that from thence the mercy of God was dispensed to the 'people, that He took His standing, as it were, upon that, in 'all His transactions with them; to show that mercy and good- ness were His throne; the ground and basis of that intercourse 'which He held with the children of Israel.' And 'this,' he says, 'yields a very just and scriptural explication of Christ's 'being a *mercy-seat*. Namely, as He is the foundation upon 'which the grace of God, in the Gospel, is established and com- 'municated to us; and upon which we present all our services 'and devotions to Him, in hopes of pardon and acceptance. It

'is upon Him, our Redeemer, the grace of God takes its stand, 'erects its throne, and is declared and dispensed to us.' But when we ask the meaning of this general language, we find that, as in the scheme of Dr. Hawkins, our Lord's offices are not real, but merely technical or imaginary; that no actual change has been made in our situation, because the one great High Priest has taken our nature, and made an offering on our behalf; but that our natural tendencies are called out by this striking exhibition of the Divine goodness. '*Faith in Christ's blood*, is right 'sentiments or persuasion respecting Christ's blood, or His 'most eminent goodness and obedience. We have then a right 'persuasion of Christ's blood, when we consider it as the most 'perfect pattern of goodness and obedience, which we ought to 'imitate; and as a pledge and confirmation of the love of God 'to us, and so encouraging our addresses to God for His favour, 'as our particular exigencies require.'¹

Now this language corresponds exactly with those cautions which we meet with in Dr. Hawkins, against the literal understanding of such expressions as speak of our Lord's oneness with mankind, and against supposing that the re-creation of mankind in Him is a mystery. 'The mere metaphor,' he tells us, 'proves no relation of the kind at all.' (Hawkins, pp. 123, 132.) And, 'Is there really here any mysterious doctrine, beyond 'that general mystery of the Gospel, the fulfilment in this life of 'its "exceeding great and precious promises," the inestimable 'gift of the Spirit, the indwelling of God within us by His 'Holy Spirit? No doubt His presence within us is a mystery, 'and holiness without His grace is impossible. But beyond this 'all is clear.' (P. 129.) Again, if the context of St. Paul's statement, 'Your life is hid with Christ in God,' be considered, 'you will not doubt that he is speaking of no recondite subject, 'but in simple terms, though in exalted language, of our pre- 'sent, and our future life.' (P. 131.)

We have thought it most respectful to Dr. Hawkins to compare his language with that of a grave and moderate writer like Dr. Taylor, rather than to produce the more striking parallel which is afforded by some modern declaimers against mystery. But we feel the strongest conviction that when he abandons the reality of our Lord's Mediation he destroys the foundation also of other doctrines, which he would be wholly unwilling to sacrifice. For the doctrine of Vicarious Atonement is as strange surely as that of the re-creation of mankind in Christ; and if the last is to be rejected as an abuse of figurative language, why should not the former? Dr. Hawkins tells us truly, 'How it is that the

'offering of the just should be accepted for the unjust, we cannot understand. The mystery of the great Atonement is unfathomable.' (P. 90.) But he is scarcely consistent with his own principles, when he proceeds to give the reasons on which the doctrine, 'once revealed, commends itself even to our finite understandings:' (p. 88;) and the particular reasons which he alleges are far from satisfactory. It may be doubted whether the perfection of our Lord's example might not have been attained if He had been pleased to adopt a nature as frail as that of man, without taking that identical one which is borne by mankind: He might still have applied to Himself the words of the ancient fable: He might have become acquainted with the feelings, and visited the haunts of men:—

ἐν οἷς ἔτλην ἐγώ
θῆσσαν τράπεζαν αἰνέσαι, θέος περ ὅν.

But at all events there was no reason why our Lord should take upon Him *our* substance in order to undergo death: life may be the peculiar prerogative of Him 'who *only* hath immortality,' but why should death be limited by any necessary condition to mankind? It is an arbitrary and wholly groundless limitation of the Divine power to assert that 'He could only die as the *Son of Man*.' (Hawkins, p. 91.) Let our Lord's relation to the race which He came to purchase be considered, let Him be viewed in all particulars as the *Son of Man*, the one true Mediator who communicated divine gifts for the re-creation of fallen humanity, and these as well as every other circumstance assume a meaning, and gain an importance. We understand why He took our substance, because He not only presented that perfect specimen of it, which He had hallowed in Himself as the only sacrifice for His brethren, but rendered it the prolific seed of life to all coming generations. And thus too does His example gain an importance which it could not otherwise acquire, because the unity thus stamped upon the family of man consolidates the feelings of natural fellowship. But all this implies the adoption of that Sacramental system, which it is our author's object to reject. It implies that our Lord's Mediation was not matter of arbitrary appointment, but was based upon the realities of His nature. Torn away from these kindred truths, the Atonement which was effected on the cross becomes the assertion of a mere harsh technicality, for which men will not unnaturally be tempted to find an explanation in the figurative language of other times.

Dr. Hawkins, however, is prepared with a satisfactory answer to the abettors of such an interpretation. 'Why should we not,' he asks, 'be content to state the doctrine in the terms of the

' Church, from which we have received it? For what is Redemption but one of the three cardinal doctrines of all revealed religion, at once implying creation, and itself the basis of sanctification? The person and offices of the Redeemer accordingly could not but be set forth even in the earliest Creed, the Creed of the universal Church, almost from the very age of the Apostles themselves.'—P. 74.

Here we have a principle for the interpretation of Scripture, to which we can make no objection; for we acknowledge the Church to have 'authority in controversies of faith.' Dr. Hawkins goes on to admit the authority of the three Creeds, though with a singular inconsistency he sets himself up as a judge of one of them, (p. 75.) But this appeal enables him no doubt to dismiss the objections of those sceptical writers, who would apply his own principles to our Lord's divinity and sacrifice; who would say that our Lord's death for sin is only 'figurative language,' which must not be pressed 'beyond the sense which the context assigns to it'; and that, 'consider the whole passage, and you will not doubt that S. Paul is speaking of no recondite subject, but in simple terms, though in exalted language, of our present and our future life.' No doubt Dr. Hawkins may readily silence such objections by reference to the belief respecting our Lord's death, which was always entertained in the Church. He says with perfect truth, 'In the statement of doctrine the Athanasian Creed is exact and full. And may we not thankfully acknowledge that where exact doctrinal statement is required, we have it with all necessary precision, and all necessary fulness also, in these ancient summaries of the faith?'—P. 75.

And yet here it is that we seem to have most reason to find fault with our author. When he states his own opinion, it is always with clearness, and often with force. In judging of others he is mild and charitable. But we see a want of his usual fairness in his calling a witness, whose testimony he himself rejects. For by citing the witness of the Creed, he refers to the judgment of the Church, and yet he seems wholly unmoved at finding that the Church gives testimony against him. For she is distinct in teaching those notions respecting the influence of our Lord's humanity, respecting the reality of His mediatorial actions, and His re-creation of mankind in Himself, which are the especial object of Dr. Hawkins's censures. The very passages which Dr. Hawkins quotes from the Fathers, show them to have considered the renewal of mankind to have been as direct an object of our Lord's Incarnation and Sacrifice, as their forgiveness. He cites two passages, one from S. Athanasius, and another from S. Chrysostom, in which *to confer the*

principle of life, and *to purify*, are spoken of as the result of our Lord's death and sacrifice. (Hawkins, p. 91.) So that these statements illustrate the general principle of the Fathers, by whom grace is said to be conferred by the same act by which pardon is imputed. For grace is communicated through union with Him, whose members share in that favour to which Himself is entitled. So that whereas Dr. Hawkins says that he can see a reason for our Lord's Incarnation in His own death, they find it, on the other hand, in mankind's regeneration. S. Athanasius makes no objection to the statement that 'without Christ's 'coming among us at all, God was able just to speak and undo 'the curse;' but he 'thought the Incarnation still absolutely 'essential for the renewal of human nature in holiness.' 'We 'might have been pardoned, we could not have been *new made*, 'without the Incarnation.'¹

That Dr. Hawkins's system is wholly contrariant to that of the early Church is shown by a circumstance, to the importance of which a person of his penetration can hardly be insensible—his intense dislike to its favourite expressions. For nothing has been more visible in ecclesiastical history, than the great effect which has been produced by those expressive forms of speech, which in a few words have embodied the germinant principles of a whole system of Theology. This, of course, implies that the truths expressed have in themselves an objective reality; that a set of actual *things* exist externally to us, and when stated commend themselves to our minds. For since all great principles have some critical and distinctive characteristics, on which their importance is dependent, it must be possible to find terms which will set the truth in striking contrast to its approximating errors. Such was the fact stated by Tertullian, that the Son was *of one substance* with the Father; such was Origen's phrase, the Son's *Eternal generation*; such the term *Trinity* introduced by Theophilus. And so great is the importance of such expressions, that our older divines, even when unable themselves to adopt the full truth which was taught by the Fathers, have not ventured to reject their phraseology. And hence, as in the case of the expressions borrowed in our Prayer Book from the ancient Liturgies, there has always been a restorative principle in our Theology. For these fruitful expressions are sure to fall some day on a worthy soil, which will reproduce them in their primæval vigour.

We have an instance of this reverence for Antiquity in the language of Waterland respecting the Holy Eucharist. It

¹ *Vid. S. Athanasius against the Arians. Oratio II. § 68, with notes to the Oxford Translation, pp. 254, 378. Vid. also Wilberforce on the Incarnation, cap. viii. p. 236.*

cannot be denied that he took a low and unreal view of this holy ordinance. Yet he used language, at times, which harmonizes with its deepest and truest signification. Dr. Hawkins suggests that it would have been better if he had adapted his whole mode of expression to that meagre view of things which he himself had unhappily adopted. Such phrases as ‘a commemorative Sacrifice, or a representative Sacrifice, can no doubt be innocently explained, as they are, for instance, by ‘Waterland, yet I venture to observe that it is by explaining ‘them away.’ (Hawkins, p. xx.) But why did Waterland think it improper to reject them? He tells us himself, when censuring our great Hooker for saying that the Christian Church has no sacrifice. ‘I commend not the use of such new language, be the meaning ever so right; the *Fathers* never used it.’¹

The same thing may be observed respecting a phrase which is sanctioned by Bishop Taylor, and which involves a far deeper view than his own of the Christian dispensation. For the statement that ‘Sacraments are an extension of the Incarnation’ no doubt implies an infinitely more *real* view of their effect than is given by this learned and eloquent writer. But then he does not give it as his own phrase, but as one to which he was led by his respect for antiquity, and for which he must account as he can. What he says is, that ‘the Fathers,’ by an elegant expression, call the Blessed Sacrament the “extension of the Incarnation.” Bishop Taylor’s well-known patristic learning is good evidence to the genuineness of the expression; and we see no reason why Dr. Hawkins should censure Archdeacon Wilberforce for giving back to it the whole weight of its original signification.

These remarks lead to the mention of that of which we complain in Dr. Hawkins—the unceremonious manner in which he rejects expressions which have been sanctioned, not only by individual Fathers, but by the collective Church. We know no term which expresses a more important truth, or has a more decisive amount of opinions in its favour, than the word *θεοτόκος*. With the great Athanasius it was a frequent and favourite expression. It has been plainly sanctioned by the third General Council, before which the anathemas of Cyril were read without reprehension. For it stands at the head of this important document, of which the very first article is, *εἰ τις οὐκ ὀμολόγει θεὸν εἶναι καὶ ἀληθεῖαν τὸν Ἐμμανοῦντα, καὶ διὰ τοῦτο θεοτόκον τὴν ἄγιαν παρθένον, γεγένηκε γάρ σαρκίκως σαρκὰ γεγονότα τὸν ἐκ Θεοῦ Λόγου, ἀνάθεμα ἔστω.* And the letter of John of

¹ Works, vol. iii. p. 169. (*The Christian Sacrifice explained.*)

² Vide Thomassini de Incarnatione, lib. x. 21. *Ecclesia tota Eucharistie sacrificio implicatur et immolatur, quia Eucharistia extensio quedam et propagatio Incarnationis. Ex Græcis Patribus.*

Antioch to Nestorius witnesses, not only to its constant use, but to the fact that no orthodox persons had objected to it.¹ It is with surprise, as well as pain, therefore, that we find a Professor of Divinity instructing the youth of Oxford that ‘the ‘ancient terms θεοτόκος and Deipara appear sufficiently objectionable; but much more so their modern substitutes in French ‘and English.’ (P. 102.) If, indeed, Dr. Hawkins merely means that his own taste in language leads him to dislike the awful phrase ‘Mother of God,’ we can only say that persons of a squeamish peculiarity of temperament ought not to make themselves arbiters of the dogmatic expressions of others. But it is difficult to suppose that something more is not intended when we are told that the phrase appears ‘little less than profane.’ (P. 86.) It is hard to imagine that some objection is not felt to the truth, of which this expression has always been deemed to be the most exact assertion. And we scarcely know how to resist such an inference, when we find Dr. Hawkins cautioning his hearers against ‘reviving the theology of the fifth century.’ (P. 98.) Does he mean that we are to reject the decisions of the third and fourth General Councils, which have been always received by the whole Church, and which the Church of England in particular has made the test for the trial of heretical opinions? Does he wish to vindicate the orthodoxy of the Churches of Jerusalem, Alexandria, and Antioch, whose rebellion against the decisions of Ephesus and Chalcedon appear to be censured in the nineteenth Article of the Church of England? We confess ourselves at a loss to reconcile Dr. Hawkins’s statement with his own words respecting the Athanasian Creed, and we beg to refer him to any of those standard authorities which have been accepted as arbiters in this matter. This is not a point on which the Roman Church stands alone. Let us cite an authority from a Doctor of a different school and another continent, who yet, in unity of faith, will be found to be one with ourselves.

‘The expression, one of the Trinity has suffered, will not be feared, if men bear in mind that Mary was truly and properly the mother of God. For inasmuch as any one, who is born, must always be truly and properly consubstantial with his parent, God must have received from her *that*, whereby he became consubstantial with her, and thus condescended to be born from her. Thus, truly and really did Mary bear the Divinity of the Son, but in its Incarnate shape. For, except in the flesh, a mortal being could not bear eternal Deity. What do I mean then by saying that she really bore Him? She manifestly bore Him, His wonders and excellencies attesting that He was truly God, who was born of a woman. But what is meant by this? She herself, by the power of the Holy Ghost, supplied

¹ Harduin, i. p. 1330.

from her own body the materials of that flesh in which she truly bore Him, so that she really bore Him, who was to be born, because she bore Him through the medium of the humanity, of which she is on all hands admitted to have been the parent. For he who thinks or says that two substances cannot be born of one substance, says truly if he thinks of them as separately generated. But in that great and wonderful sacrament, which was manifest in the flesh, the Divine substance, so far forth as its human substance was concerned, was properly born; for the Deity was not separately born, nor did it unite to itself a humanity which was already born, but it was properly born by uniting humanity to itself. I will speak yet more clearly, so far as my weakness allows, if God will give me light. The pure Deity was really born from His Father—the same Deity Incarnate was really born from His mother. There is this difference between the two generations of the one Son of God, that in the Divine generation there was no humanity, but in the human generation the Deity was joined to the humanity, which was truly born. For if I should have said, or wished to say, Mary ever Virgin bore the humanity, but did not truly bear the Deity, it would seem as if she bore a mere man, when she did not bear one, but truly bore the Word made flesh. Rightly therefore, as I suppose, do we say and confess, Mary was truly Mother of the God Christ, that there might be no suspicion of a delusion. Rightly again do we confess that Mary was properly the Mother of the God Christ, that it might not be supposed that He was a mere man, who, for the merit of his good actions, was afterwards raised to be God, or who began to be called or made God, because the Son of God came upon him, but that she might be believed to have conceived and to have bore the eternal God, who in time was made man. And another way may be thought of, in which this proposition may be unobjectionably stated; it may be said, Mary was properly the Mother of the God Christ, that this singular favour of the Divine act may be discriminated from that which is common to other women. For our Lord in the Gospel said to those who told Him, Thy mother and thy brethren stand without, desiring to see Thee, “Who is My mother, and My brethren? . . . Every one who doeth the will of My Father which is in heaven, the same is My brother, and sister, and mother.” Every one, therefore, who does the will of His Father, is His mother. But Mary was therefore properly His mother, because, by His being born of her according to His flesh, He was made her Son. Many women, by fearing God, bring forth the God Christ in mind, not in the flesh; Mary alone brought forth the God Christ in the flesh also; and therefore she alone was properly the Mother of God, because no other woman was so the Mother of God as she was.’—*Ferrandi ad Anatolium Diaconum, Epist. iii. § 17.*

Another phrase to which Dr. Hawkins makes great objection is, the compound ‘which combines in one word the name of God and man, as a designation of the Mediator.’ (P. 85.) Why any person who believes the *thing*, should object to a word by which it is expressed in so simple and exact a manner, we are unable to conjecture. We can understand why a Nestorian should dislike a term which cuts so completely at the root of his error; but when the objection is made by any one else, we can only answer, ‘Verba mea arguuntur, adeo factorum innocens sum.’ Here again, our author acknowledges that the term he dislikes ‘has the sanction of early antiquity.’ (P. 103.)

Both the words *θεανδρικός* and *θέανδρος*¹ occur in the Fathers. The first phrase has the authority of S. John Damascene, who has a chapter (*De Fide Orthodoxâ*, iii. 19) on the *θεανδρική ἐνέργεια*; and both terms occur in the Third Dialogue of S. Cæsarius, (Gallandi, vi. p. 85.) And if we mistake not, they are especially recommended to the use of English divines by the peculiarities of our Teutonic language. There is a well-known rule, which we cite from Archdeacon Wilberforce, that 'all properties or attributes, which belong either to the human or divine nature, may be predicated *in the concrete* of Christ, 'both God and Man; but those which belong to the one nature, 'cannot be predicated in the abstract of the other.'² The considerations which this rule suggests seem to have limited the use of a term so abstract as *θεανδρικός*; it seems to have been feared lest it should be supposed to have referred to some compound nature, which stood midway between the human and divine, and thus that a Eutychian confusion of the two might be introduced. On this account the term *θεανδρική ἐνέργεια*, though sometimes employed, was not a favourite with the Greek Fathers. But neither was *θέανδρος* exactly suitable, because the necessity of giving the personal termination to the last word did not harmonize with the truth that the personality of the Being intended lay in the higher nature.

This circumstance, then, accounts for the fact that the word Godman, though used, is not used so frequently as we might expect by Greek authors; while the inflexibility of the Latin tongue hardly admitted of that important addition, which composition gives to the expressiveness of language. Tertullian evidently laboured to attain the same end, not only when he speaks of Christ as 'homo Deo mixtus,' (*Apol. c. 21*, quoted by Dr. Hawkins,) but still more when he describes the Mediator as 'Sequester Dei et hominum,' (*De Resurrectione Carnis*, § 63.) But the inaptitude of the Latin language is shown by the translator of S. Cæsarius, who is obliged to render *θέανδρος* 'HomoDeus.' Now, this change in the order of the words is still more incompatible with the nature of this great mystery, than the necessity of inflecting the last word. This may be seen by observing that Southey instinctively forms a different term, when he would express the wholly alien notion that a man had been elevated to Deity:—

' Then did the *ManGod* re-assume
His unity.'

These considerations will show why such terms as 'Gott-

¹ Bishop Bull uses *θεανθρωπός*. *Defensio Fid. Nic.* sec. 2, § 15.

² *Doctrine of the Incarnation*, cap. iv. p. 84.

mensch,' or Godman, are peculiarly to be recommended; they are a means of bringing out this great truth, for which the idiom of our language gives singular opportunity. Waterland therefore says, in his Critical History of the Athanasian Creed:—

' All good Christians have ever abhorred those vile tenets, and conformably to Scripture, rightly and justly interpreted, have believed and confessed that Christ is both really God and really Man—one Godman.'

And Beveridge says in his Sermons:—

' As it is rightly explained in the Athanasian Creed, "As the reasonable soul and flesh is one man, so God and man is one Christ." This was foretold by the Prophet Isaiah, vii. 14, saying, "That his name shall be called," in one word, "Emmanuel, God with us," that is, as it is expressed in the Greek, *θεανθρωπος*, Godman, or God and Man in one Person. The same is implied also in His name, Jesus, which was ordered to be given Him before He was born. Matt. i. 20, 21. Upon which S. Matthew observes, that this was done that it might be fulfilled, &c. vv. 22, 23; where, by calling His name, according to the use of that phrase in the Hebrew tongue, we may understand the same as if it had been said, "He shall be Emmanuel—Godman." '—Beveridge, *Sermons*, vol. ii. § xxx. p. 261, fol. ed. 1729.

In considering by what motive Dr. Hawkins can be led to protest against terms at once so approved and so expressive, we can only fall back upon the notion that he objects to using anything except 'the very terms and expressions of Holy Writ.' (P. 85.) This is certainly the conclusion to be drawn from the manner in which he introduces his censure of the words respecting which we have spoken. And yet if he really means this, we must say that he fails in his usual fairness and perspicuity. He cannot surely be ignorant that the Athanasian Creed, which he professes to accept, abounds with terms which are not found in Scripture, and with doctrines which are only deduced from it. Would he deny the existence of our Lord's human soul, because it was not taught till the time of Origen? Would he object to the statement that our Blessed Lord was *man of the substance of His mother*? Yet, in what express words of Scripture is this taught, or how would it ever have been maintained, if the expression 'Mother of God' had not been a household term in the vocabulary of the Church? Why, indeed, does Dr. Hawkins reject the word *θεοτόκος*, because not found in Scripture, and accept that of *Trinity*, which is equally unknown to it? In all this we have the same inconsistency as in his referring to the sentence of the Church, and accepting the authority of the Creeds, while in the same sentence he sets himself up as their judge, and subordinates them to his own individual authority.—P. 75.

And here then it is that we seem to have much reason to complain, not indeed of the intentions, but of the acts of our author. We think that he takes a low view of the Church's

privileges, and detracts from the reality of God's gifts. We dislike the technical unreal system, which would represent our Lord as merely discharging certain functions, instead of having truly shared the very nature of mankind. We think that as all this derogates from the great mysteries of the Gospel, so does it fail to do justice to the aspirations of nature, or to satisfy its needs. We feel persuaded that the theology of the Apostles was deeper, sounder, more practical, more true. We see that we have with us the universal Church, the very first effort and thought of which has ever been to show that the Gospel is a reality. It has followed the instruction of its great teacher: 'I am not ashamed of the Gospel of Christ, for it is the *power of God unto salvation.*' Yet we make no complaint against Dr. Hawkins, for differing from us in these momentous particulars. He has chosen his side, and he advocates it, as he has a right to do, with power, as well as with charity. But he has no right to cite authorities, and not adopt them. He has no right to refer to the Church's judgment, and not take it. He should not censure Dr. Pusey and Archdeacon Wilberforce for things, in which his true quarrel is with S. Athanasius and S. Cyril. He should not speak as if the Church Catholic was with him, when he protests against the phraseology of the Council of Ephesus. He should not exclude all terms which do not occur in Scripture, so long as he recites the Athanasian Creed.

ART. V.—1. *A Pastoral Letter to the Clergy of the Diocese of Exeter, on the present State of the Church.* By HENRY, LORD BISHOP OF EXETER. London: Murray.

2. *Holy Communion at a Visitation. A Sermon, &c.* By the Rev. JAMES FORD, Prebendary of Exeter. London: Masters.
3. *The Exeter Synod. A Letter, &c.* By G. C. GORHAM, B.D. &c. London: Hatchard.
4. *A Pastoral Letter to the Parishioners of Hursley, &c. on the proposed Synod of Exeter.* By the Rev. JOHN KEBLE. Oxford: J. H. Parker.
5. *Acts of the Diocesan Synod, held in the Cathedral Church of Exeter, by HENRY, LORD BISHOP OF EXETER, on Wednesday, Thursday, and Friday, June 25, 26, 27, of the year of our Lord 1851.* By Authority. Third Edition. London: Murray.
6. *The Two Synods; a Letter to Lawrence Palk, Esq. &c.* By the Rev. JOHN INGLE, &c. Exeter: Wallis.
7. *A Letter to the Clergy of the Diocese of Exeter, on certain Statements of Archdeacon Sinclair, &c.* By HENRY, LORD BISHOP OF EXETER. London: Murray.

In dealing with the momentous subject above indicated, we find ourselves under this peculiar difficulty—that our words will fall in two perfectly different senses upon one-half of the world (so far as it may notice them at all) and upon the other. To the faithful and to the unbelieving we shall seem to speak quite in two heterogeneous languages. Faith is, in this, like sense—that they who have it not, receive no idea, directly, from the expressions of it in those who have it. The colours are spread before the blind; the music falls on untunable ears. And as the blind man, mentioned by Mr. Locke, could get no nearer to the notion of scarlet than to say it was like the sound of a trumpet, so the unbelieving find themselves reduced to all manner of strange conjectures, and analogies, and dim gropings after the truth, when they would account for the sayings and doings of the faithful.

We wish to declare, and we hope we shall be credited, that we are not using these two words, ‘unbelieving’ and ‘faithful,’ in any invidious sense. We do not mean by ‘unbelieving,’ that persons are altogether irreligious, nor yet by ‘faithful,’ that they hold the true faith of Christ. But thus it is; among the many and intricate religious distinctions which have arisen, and are,

we fear, multiplying everywhere around us, we seem to ourselves to discern this broad principle of classification—that some believe that they are, or ought to be, truly and really in a supernatural state, changed in their condition, and separated from ordinary men, in a way analogous to the condition and separation of the children of Israel, especially in the wilderness: others account the times of supernatural interference, if ever they really existed, to be now passed away; truth and goodness are to them rather effects of God's ordinary providence—an improved and improving philosophy—than the result of inspiration and miracles, more or less hidden. The former of these modes of thought is here designated as 'believing,' the latter as 'unbelieving;' much in the sense in which Faith and Sight are opposed to each other in Holy Scripture; and it is evident that a line marking out the respective prevalence of the two would, in some cases, separate whole denominations of religionists, Christian or unchristian, one from another; but it would more commonly form sections in each denomination, according as each person's temper or training led him for his own part to acquiesce in or to draw back from the supernatural element in what he was called on to believe. Nay, and each person in varying circumstances, and under varying moods of mind, would be now of the believing, now of the unbelieving, class.

But so far as any one may have lent himself to the unbelieving view, whether in accordance with, or in spite of, his religious profession, so far the remark with which we set out will be exemplified in him: he will be unable even to comprehend the religious sayings and arguments of the believing sect; it will be as a foreign language to him, or as a picture to a man blind from his birth. The believer, to whom it is all plain, gets angry, as thinking that there must be dishonest affectation in an ignorance to him so unaccountable. But it is not so; the ignorance is real, and the opposition, on the opponent's principles, very natural. This should be borne in mind more than it is, both for truth's and charity's sake. How often has it occurred, in our late ecclesiastical disputes, that persons have allowed themselves to be moved far more than in reason they ought by the construction which unbelievers put upon documents, which, from the very nature of the case, believers only could construe and appreciate. The plain, literal, Catholic interpretation of the Prayer Book has been surrendered in favour of Rome or Germany, as the case might be, in deference, as was alleged, to the interpretations of men learned in the law. But what was their learning to the purpose, if they wanted faith—if they had no perception of the Divine authority of the Church Universal, speaking always, everywhere, and by all? And which of us, again, has not been tempted to be very sharp and severe, in

inward judgment at least, on our liberal and rationalist adversaries, as if they were knowingly and wilfully doing us injustice? whereas the true account of the matter probably is, that their want of faith absolutely hindered them from at all comprehending the words of faith, or perceiving the force of its champions' arguments. Our proper course, then, is not to be angry with them, but to seek some other process, if haply any may be within our reach, for enlightening them; as you would instruct a blind man about the objects of sight, by adducing the best analogies you could from the provinces of other senses, which are more within his reach.

These remarks, which will apply generally to all the topics on which we have had so much painful controversy of late—often with those whom we loved best;—may be specially exemplified in what has been said and written concerning the Councils of the Church, since the civil power began to interfere more avowedly with our old canonical rights, in confirmation of bishops and trial of doctrine. When the two astounding claims were made, one after another, surpassing in extravagance all that had been hitherto imagined: the one, that the organ of the majority in Parliament for the time being should so appoint bishops as to supersede even all hearing of objections on the part of the Christian people, and all conscientious scruples on the part of the consecrating prelates; the other, that whomsoever the said organ might appoint to be judge of the Church's doctrine, their decision should be final, though they were not even members of the Church:—when these two extravagances, before inconceivable, were unscrupulously practised and doggedly upheld, by the professed champions of liberty in the State and purity in the Church:—it became impossible for simple and believing minds not to revert to the original charter of the Church: ‘As My Father hath sent Me, so send I you;’ and, ‘Where two or three are gathered together in My Name, there am I in the midst of them;’ and for those who knew anything of Christian antiquity it was impossible not to think of the ancient Church Synods, as having been from the beginning the ordained and specific remedy for public disorders and grievances in the kingdom of Christ. That the Hampden and Gorham outrage, should lead to the attempted revival of Church Synods, was as inevitable as that wintry weather should bring warm clothing into use. We mean, supposing Churchmen to be believers—supposing them to put a real and abiding sense on the sayings of our Lord above cited, and others resembling them. But if they have no such faith,—if they have been taught to consider those promises as having been long since worn out, or perhaps as never having had more than a political or philosophical meaning—then we have seen, by experience, that the mention of Church Councils, as a

remedy, strikes them as so palpably unreal, that they cannot even believe the persons asking for such a thing to be sincere ; they treat the whole as a jugglery of priestcraft, an attempt to revive unjust and obsolete prerogatives ; or, at best, as a kind of sleep-walking,—an unaccountable deception, which has got hold of some well-meaning persons. Synods are to them as parliaments might be to a Persian ; the idea is so strange that they scarce know how to reason against it ; they can but say over and over, that if a great many persons meet, they are sure to disagree. For into that one deep and wise proposition, we believe, all the arguments of the opponents of Synodical action, in and out of Parliament, will ultimately be found to resolve themselves.

The obvious truth is, that, as commonly happens in human proceedings on a large scale, the real motive of the unrelenting scorn or fierceness with which Church Councils are pursued, is kept, by a sort of instinct, in the background : the unbelievers in our supernatural state have an uneasy feeling, which they do not always distinctly avow, even to themselves, that the idea of a Church Synod cannot be quite separated from an idea of some special presence of our Lord : and this they cannot well abide ; it brings them nearer to the time of miracles than they are used to believe themselves to be ; and their hearts and intellects rise against it, as against tales of witchcraft, the speaking oxen in Livy, or any other ‘lying wonder.’ In this way, and in this only, can we account, *on natural principles*, for the extreme disgust with which so many persons, liberal and forbearing in general, regard the efforts which are making among us to obtain something like genuine and unfettered Church action. It seems to them that it may be part of a great system of imposition ; and the Anglo-Saxon race, we need not say, is especially jealous of being imposed upon. Other people, the Irish for example, do not so much mind it, when it promises them outward comfort, and indulges their fancies : but your true Englishman would rather continue in sickness than be cured under false pretences. And his anger at being supposed capable of submitting to such treatment excites him, at times, to a degree of outrage quite comparable to anything which superstitious enthusiasm may have occasioned elsewhere. It is the very fanaticism of unbelief. ‘Were it not for this, it would be hard to understand how the passions of a whole town could be aroused by such a cry as ‘No surplice,’ ‘No offertory,’ or the like : mere negations, appealing to no man’s business or bosom.

We dwell upon this natural and especially *English* tendency, in order to mitigate the sentence which comes instinctively into the minds of the believing portion of our readers, when they hear or read of the riots at S. Barnabas, the conduct of Lord Denman in the Hampden cause, the proceedings in the House of

Lords on the Bishops' Bill for a new Court of Appeal, or any other extreme instance (not a few have occurred) of fanatical opposition to the Church on other than religious motives. We would not have it all set down to worldly and party calculation, or to the mere instinct of evil: much rather would we attribute it, for the most part, to a certain honest, but exaggerated and misguided, antipathy to the false and the unreal.

And this points at once to the natural means of allaying it. Show that things are not false and unreal, and you take off the edge of this kind of opposition against them. They may be reasoned against as inexpedient, or otherwise wrong; they do not tempt people to throw brickbats, or declaim on the bench of justice in a passionate, one-sided way. Wisdom, then, and charity, will prompt the defenders of the Church to set about neutralizing this—the most dangerous because the most honest—element in the forces they have to contend against, by evincing in all persuasive ways the truth and reality, the genuineness and actual substance, of what they are about: and in this consists a great part of the value of such experiments as that of the Exeter Synod.

In short, all questions relating to the means and ordinances adopted by Almighty God in the Kingdom of Heaven, have their two aspects, the one natural, the other supernatural; and for judging of them according to the former, there is no need of faith;—the ordinary faculties of man, enlarged by experience, will enable him to pronounce upon them. And there can be no doubt that if the disturbing forces of sin and worldly passion could be removed, very unbelievers might advance a good way towards a right determination of such questions. For if the law of England, according to our ancient boast, more patriotic perhaps than correct, is the perfection of common sense; much more the law of God. Even in the highest and most unearthly matters, in the very Sacraments themselves, inasmuch as they are practical matters, there will always be a traceable vein of moral, practical, intelligible fitness and expediency: and no truer service can well be done to the Church, than the bringing out this in the eyes of men as yet unbelieving. Indeed, a little reflection will perhaps show, that a Church Establishment, according to the received sense of that term, is in fact—whatever it be besides,—a large experiment of this kind. It realizes and brings home to men the earthly and practical value of the Divine ordinances.

Now, this is just what the recent Synod has done, in its sphere and in its measure, with regard to that special Divine ordinance, the coming together of Apostles and Elders to consider of ecclesiastical matters. The Synod of Exeter has shown, to well-meaning and candid unbelievers, men of the world and men of

business, but aliens in heart from the supernatural system of the Church,—to such the Synod of Exeter has shown, in a way which they must and do own in spite of themselves, that what they had thought an unreality and a sham, might indeed be a true practical thing, and be very available for bettering our condition as Christians.

In illustration of this, one naturally turns to that journal, which enjoys the very unenviable honour of being supposed to reflect, more exactly than any other, the varying features of popular opinion among us. All persons know—we need not therefore prove by quotation—what the *Times* thinks of the Bishop of Exeter, and how little favour it is likely to show to any movement devised or directed by him. The same grave authority, last year, characterised the doctrine of Baptismal Regeneration set forth by the meeting at S. Martin's Hall, as ‘a mass of indigestible rubbish, which none but a theological ostrich could “swallow.”’ That doctrine, be it observed, is the very same as has been laid down by the Synod of Exeter in the first of its three Declarations. Again, the *Times* spoke with a kind of affected alarm of the petition for revival of Synodical action, addressed by that Meeting to Her Majesty: calling it a series of ‘most daring and absolute propositions on Church government:’ and warned the Clergy, in its own high and dignified tone, ‘not to take any step of which they might ever after repent.’ ‘The Meeting,’ it said, ‘had a certain importance, as ‘indicative of the strength and the objects of a particular party ‘in the Church, a party remarkable for the energy of its convictions, for its piety, its learning, and its love of spiritual power: ‘but such a meeting is immeasurably far from representing the ‘opinions and desires of the great bulk of the nation,’—(What then, Mr. Editor?)—‘and even of the great bulk of the clergy ‘and the churchmen of this land. No doubt, it is exciting to a ‘body of men, deeply imbued with convictions which professedly ‘repel all limitation and control, to listen to animated harangues, ‘and to come into contact, as it were, with a multitude of ‘minds animated by the spirit which suffers and inflicts martyrdom. But the delusions which have most led men astray, and ‘have led the Church astray, have sprung from such exaggerations of feeling; they multiply some original error a thousand-fold, and by a process of cumulative fallacy, lead men to rush ‘into real evils from the dread of imaginary wrongs. That was ‘the history of the late disastrous schism in the Church of Scotland; and the spirit which pervaded the meetings of the ‘seceding clergy in the autumn of 1842, may fairly be matched ‘with the ecclesiastical eruption which blazed last Tuesday in ‘Long Acre.’ ‘In spite of the moderation of language ‘preserved at this meeting, it is impossible to read its proceed-

' ings without asking oneself, what would be the fate of the ' Church of England and of the nation, if these opinions were ' entertained by her Bishops and her statesmen, or if the Church ' itself, placed under the government of men as zealous and un- ' wise as these, were to stand adverse to the law, the laity, and ' the throne ?'

‘ As who should say, I am Sir Oracle,
And when I ope my mouth, let no dog bark.’

The warning, however grave the authority, was disregarded, as might have been expected; the attendants on the Meeting persevered, with more or less of earnestness, in the course which they had marked out for themselves: weeks and months went on, and by-and-by came the preparations for the Synod of Exeter; the Bishop's Pastoral appeared, announcing the Synod, and sketching out a plan for its operations. There was some curiosity to know what the ‘grave authority’ would say, but there was a marvellous silence for a long while in that quarter; which was accounted a sort of phenomenon. The Clergy of Exeter were left this time to do as well as they could without any of the friendly advice which had proved so tranquilizing to the Diocese on a former occasion. They went on, however, in their own way, minding their Bishop more than they did the newspapers; and the result was what our readers know. At last, not until after the publication of the Acts of the Synod, the following statements were enunciated. (We omit certain sneering expressions and indications of personal dislike, which nevertheless have their value, as showing the involuntariness, and therefore the reality, of the accompanying words of approbation):—

As to doctrine :

‘ The declaration on the Sacrament of Baptism was adopted by an unanimous vote of the Synod; and it is a matter of great satisfaction that the opinions of Mr. Gorham are ‘disclaimed, as a matter of conscience, by an overwhelming majority of his clerical brethren.’

As to other things :

‘ The Bishop of Exeter has rendered a practical service to the Church of England by demonstrating, that if she had laid aside the synodical unions of her Dioceses, it was not the law or the jealousy of the civil power that deprived her of those institutions. It rests with the Bishops themselves, in their discretion, to convoke those meetings, and with the clergy to attend them. They are, in fact, a very improved form of the Diocesan visitations now in common use, because, instead of a mere exhortation delivered by the Bishop to his clergy, they are appeals for counsel, support, and advice from the Bishop to the body of which he is the head. They are invested with a degree of solemnity worthy of such an occasion, and they partake of that spirit of public discussion and representative government which pervades all that is most valuable in this country. . . . Although the announcement that the Bishop of Exeter had convoked a Synod of his Diocese was not

received by the public without some distrust of the result, we are bound to say that hardly anything took place in the Chapter-house of the Diocese on this occasion to which any objection whatever could be raised, and much of what was done there was of indisputable advantage to the spiritual union and the public duties of the Church. We assume with Bishop Philpotts, that these Synods are almost as old as the Church itself, and that the temporal law of this country has at no time interfered with them. Indeed, by one of the Canons of 1603, they are expressly classed with Diocesan visitations, as matters equally within the competence of the Bishops. Nor will it be contested that an elective body, consisting of two Presbyters chosen by their brethren for each Deanery, is a fair and convenient mode of ascertaining the sense of the clergy. On these grounds the Bishop of Exeter proceeded, with something of novelty, as far as the present usages of the Church of England are concerned, but with far more of antiquity and precedent, justified and sanctioned by the existence of a want of concert strongly felt by the clergy, which this proceeding has in great part removed. The whole conduct of the meeting on the three successive days was devout and orderly; the discussion free, but not acrimonious, and the result definite. Upon the whole, the only doctrinal matter discussed by this assembly was disposed of by the unanimous vote of all present, and the other topics were subjects of direct practical concern to the spiritual interests, the morals, and the education of the country. With this result before us, it would be unjust to such a body of men to animadvert upon their proceedings, because, under different circumstances, they might have been abused and turned to purposes of offence.'—*Times*, of Tuesday, August 12, 1851.

Now, it is well known that the paper in question has no real opinions of its own on subjects of this sort; that its skill lies in dexterously ascertaining, and putting into terse and forcible words, the ideas current among the majority of the respectable 'unbelievers' above described. We can hardly be wrong, then, in inferring from this change of tone, that there was something in the proceedings of the Synod so fair, true, and real, as to approve itself to the Anglo-Saxon mind in spite of many and strong prejudices.

In fact, the air and manner in which things were done was altogether different from what men had been led to expect. The debate, it was supposed, would be sharp and unseemly, the conclusions unreal and unpractical, in one of two ways—either that some violent party would prevail, something very outrageous be passed, tending to further divisions among Churchmen, perhaps to separation of the Church itself from the State—a course which would fail by its own vehemence, spending itself in mere sound and fury; or if the conservative tendency proved strongest, all would evaporate in a sort of rhetorical display—compliments bandied about, and resolutions passed in general terms; the great point being, that nobody should be committed to anything. Well might those who deprecate shams and shadows revolt from such anticipations as these; and it must be owned that they were not without excuse for forming them, considering the traditions about Convocation, in which, for the

last hundred years, all good English boys and girls have for the most part been trained up.

But we must be allowed to remark in passing, what a very small historical induction these prejudices rest upon, what a very scanty page in the Church Annals of England they really fill. The ill-conduct laid to the charge of the English Convocation, even by such writers as Bishop Burnet and Mr. Hallam, does not date earlier than 1689, and cannot extend later than 1717, since, in the latter year, all power of acting, either for good or ill, was taken away from that body. Before the Restoration, the course of their debates is for the most part unknown (*their records* having been destroyed in the fire of London); but it may be assumed that there was nothing especially scandalous in their manner of debate, since no such charge is laid against them in the malcontent treatises of the time; and to the conclusions in which they resulted on various emergencies (excepting perhaps some of the Canons of 1640) no man can well violently object who professes himself at all an English Churchman, since those conclusions are the symbolical books and other main portions of the existing system of our Church. It comes, then, to this: that the English Church of all following generations is denied a constitutional right, (we may venture to call it so, for we have been all taught it in the Prayer Book, in so far as the Royal Declaration prefixed to the Articles is part of the Prayer Book,) avowedly on account of certain faults laid to the charge of the particular Convocations which sat between the first year of William and Mary, and the third or fourth year of George I. Those faults may be reduced to two heads,—occasional disorder and spitefulness in debate, especially as between the Upper and Lower House in matters of privilege; and votes unpleasing to the government of the time, and to the party which now sympathises with it. But discreditable debates, and disputes about privilege, are hardly a sufficient plea, unless persons are prepared to justify on like grounds the notion of governing the state without parliaments. And the unpleasing votes undeniably related to questions on which the Clergy not only might fairly claim to have a voice, but were under a conscientious necessity of expressing their judgment; being such as follow: Whether it was expedient to take into consideration a scheme for partially altering the Prayer Book, for the satisfaction of Protestant Dissenters; and among other things, *to allow the validity of Presbyterian ordination*:—Whether certain important theological publications were, or were not, fit objects of Church censure:—Whether it was well at a particular time to declare Episcopacy to be of apostolical and Divine right:—Whether a certain course of ecclesiastical administration in time

past had, or had not, been conducive to the welfare of the Church, (which inquiry was recommended to them by the Queen in the year 1711 :)—Whether the Clergy would do well, under circumstances then existing, to declare solemnly the validity of Lay Baptism. To these heads, we believe, may be referred all the determinations of Convocation, in those years which have given it so bad a name. Now, we are not considering how those questions ought to have been answered; but surely, if there were to be Clergy meetings and consultations at all, these were matters within their province. And to silence them, because you did not relish their conclusions, savours a little of a vigour beyond the constitution ; and but for the comparative weakness of the suffering body, seems very like endeavouring to govern the state without parliament.

With regard to the first, in particular, of the questions above mentioned—the change of the Prayer Book, and admission of Presbyterian orders, proposed by King William and the Revolution Bishops in 1689 ;—our readers will perhaps recollect the remarkable confession of Bishop Burnet:¹—

‘ There was a very happy direction of the Providence of God observed in this matter. The Jacobite Clergy, who were then under suspension, were designing to make a schism in the Church, whosoever they should be turned out, and their places should be filled up by others. They saw it would not be easy to make a separation upon a private and personal account; they therefore wished to be furnished with more specious pretences: and if we had made alterations in the Rubric, and other parts of the Common Prayer, they would have pretended that they still stuck to the ancient Church of England, in opposition to those who were altering it, and setting up new models. And, as I do firmly believe that there is a wise Providence, that watches upon human affairs, and directs them, chiefly those that relate to religion; so I have with great pleasure observed this, in many instances relating to the Revolution; and, upon this occasion, I could not but see, that the Jacobites among us, who wished and hoped that we should have made those alterations, which they reckoned would have been of great advantage for serving their ends, were the instruments of raising such a clamour against them, as prevented their being made. For, by all the judgments we could afterwards make, if we had carried a majority in the Convocation for alterations, they would have done us more hurt than good.’

What is this but acknowledging that, in the important instance referred to, the Convocation sympathised with the Christian people generally, and knew their mind far better than the Whig ministry and their Bishops did? and that, in consequence, a great evil was prevented, which would have taken place, had the government been left to themselves? A remarkable thing to have happened at the very time, which is most constantly and confidently appealed to, as warranting the ordinary prejudices against ecclesiastical assemblies. In that case, at least, they

¹ ‘ Own Times,’ ii. 34, fol. 1734.

did well and seasonably a work which, in old times, genuine Whigs did not think amiss of—the work of a constitutional opposition. They acted as a drag upon the dominant party, otherwise, by its own confession, prone to what would have proved a dangerous extreme. Might they not be useful, at least, in the same way now? And, indeed, how could they well be mischievous, if clerical influence is so distasteful to the English people as the opponents of Synods tell us; considering the acknowledged legal right of the Crown to interfere, and stay their proceedings at any moment? The only available bar to such an exertion of prerogative would be a strong pressure from below; which might occur, perhaps, to a certain extent, in Queen Anne's time, but concerning which it is assumed by those who are against us in the present controversy, that if it took place at all at present, it would tell altogether the other way.

In truth, if we read men's minds aright, it is a far deeper feeling than the dread of occasional turbulence, or any other political effect of giving the Church liberty in this matter, which causes the Whig prelates, orators, and historians to speak of it in terms of such intense reprobation and disgust, and make it avowedly an exception to their general principles of toleration and freedom. We say 'avowedly,' for to quote no more, Mr. Hallam's only answer to the Church's claim to be put on a level with other corporations is, 'that we must take "experience, when we possess it, rather than analogy, for our "guide."¹' The ground of it all, we cannot but think, is deeper than they like to avow; it is the dislike of being imposed upon, the dread of the false supernatural, coupled with an unwillingness to believe that there is any supernatural system now going on. Thus Mr. Hallam in the very next sentence lays it down, that 'ecclesiastical assemblies have in all ages and countries been mischievous when they have been powerful.' No exception for those Convocations which accepted the Thirty-nine Articles; no exception for the great Ecumenical Councils, not even for that at Nice. We fear that the drift of all this is but too plain.

Asking pardon for this digression (which, however, we trust will not be found altogether irrelevant to our argument), we will proceed to notice one or two other not unnatural grounds of prejudice, by anticipation, against the Synod. The proceedings of our recently-formed Church Unions, and, in a different way, the occasional gatherings for debate which we have witnessed in one or two of our great Societies, may, no doubt, have caused somewhat of uneasy foreboding. But considerate persons, even at the time, remarked that neither of those gatherings were of a kind to come exactly into comparison with a solemn Synod of the Church. In the Church Unions, certainly, and to some extent

¹ Constitutional Hist. c. xvi.

in the Society meetings, the place not being consecrated, and what service there is being often of no very solemn kind, there is always a certain blind feeling of being unauthorized, a sensation of being, so far, under a modern 'voluntary system,' pleasant or unpleasant to each individual, as he has in him less or more of that longing for the supernatural, and faith in it, which we have noted as the cardinal difference between the two great classes of religionists in our day. But a Synod is held in a chancel, or in a chapter-house, or some other dedicated room, and professes to be an assembly of primitive, nay Divine, institution: an instance, to say the least, of 'two or three gathered together in Christ's name;' a sort of 'sacramental,' with a special promise of grace. Such a thought, if one be not quite a scorner, brings with it something of awe and reverence; as republicans of good feeling are impressed by finding themselves in the presence of royalty; or unlearned men and unbelievers, in passing from an ordinary room into the dim religious light of such a church as S. Barnabas. Then, the meetings in question had no sufficient traditional rules of order—the Church Unions none at all but what they extemporized for themselves. The Convocation, whenever it shall meet for discussion, will have a whole code of standing orders and precedents to fall back upon. It is ill reasoning, moreover, from the aspect and tones of a tumultuary concourse on some specially exciting occasion, to the probable demeanour, even of the same persons, taking their place day after day, in a familiar spot, for ordinary despatch of business. And, in justice, we will mention what it has occurred to ourselves to observe, in one at least of the too noisy meetings, in the National Society's Central Schoolroom, how that a very large proportion of the tumult, for which the poor parsons got all the credit from Lord Harrowby and other speakers, was caused by a few energetic laymen. Yet, under all these and other discouraging circumstances, when people had come together under leaders whom they respected, and had had time to say their prayers, it produced a day of decently good behaviour; as at S. Martin's Hall; and more favourable expectations of a possible Synod began to be entertained: and it was considered, that if the mere circumstance of agreeing not to applaud enabled such a body to keep itself in good order, much more would the silence of a holy place, with all its affecting associations.

Then, whereas the Church Unions started (how could it be otherwise?) in a somewhat unbusiness-like way,—for they were embarrassed in many respects by the state of the law respecting them, which it required some time to ascertain: and they consisted often of persons brought together without any knowledge of each other, each man having to feel his way, as to whom he could act with, and how far:—formal Synods, on the contrary, like

Parliaments, will soon arrange themselves in regular sections or parties; and business, as might be expected among Englishmen, will before long find its natural course and level.

All this men hoped, but hardly expected, as they came away from S. Martin's Hall: and now the 'experiment solitary touching Diocesan Synods' has so far realized their hopes.

Another scruple, hard to speak of, has been yet more happily and entirely proved groundless. Politicians and newspaper readers, and men of the world, had their misgivings about the conductor of the great experiment: they knew more of him in his controversial than they did in his pastoral character; they thought, because in some of his writings he had not shrunk from the tones and modes of warfare which he had learned of our elder Divines,—or even from Fathers themselves,—and through the necessity which was laid upon him to exercise himself in legal and parliamentary debate, therefore he would surely make the Sacred Synod a place of display for that kind of skill. Here was the old mistake again: they made no allowance for the effect of faith; they could not understand how an eminent orator and debater, and the most skilful controversialist of his day, might, in a Synodical meeting, so really believe a Great Presence, as to be effectually guarded from the evil they were thinking of. The casting of crowns before the Throne—if we may reverentially make such an allusion—would seem a very strange proceeding to those who could not imagine how there should be any Throne in sight.

Lastly, persons were far from being aware beforehand to what an extent the Exeter Clergy were agreed. There had from time to time been untoward disputings in the Diocese, and, as frequently happens, the few had made the most noise; insomuch, that Mr. Gorham 'confessed his bewilderment at the boldness 'of conception which had sketched out the plan of *such a Synod*, 'with the faintest expectation that it could meet with the con- 'currence of the Clergy, at a period, *and in a Diocese*, in which 'opinions on ecclesiastical matters are so greatly and so unhappily 'divided.'¹ A remarkable reason, by-the-by, as was forcibly urged in the *Morning Chronicle* in reply to a similar statement on the part of the Archbishop of Canterbury, in the debate on Lord Redesdale's motion, to allege against a Synodical meeting, seeing that of the very first and pattern Diocesan Synod we read, that 'the Apostles and Elders came together to consider' a certain matter, expressly because there had been concerning it 'no small dissension and disputation.' Further; the professed clerical opponents of the Synod (stated by Mr. Gorham, p. 24, at somewhat more than 111 in number, and by an authority on which we can rely, at somewhat under

¹ Letter on the Synod, 2d ed. p. 30.

150), as well as the lay protesters at Exeter, were not wanting in endeavours to set strongly before the Clergy both the pains and penalties which might be incurred by the proceeding, and the necessity, as they represented it, which the members of the Synod would place themselves under, of agreeing to the special statement which the Bishop had announced: considerations sure to act upon many even of those who might substantially hold the Bishop's view, as all must be aware who know anything of the conservative element in the Church of England.

All this adds point and meaning to the expression of assent in those who did openly adhere both to the Synod and to its objects; amounting, we believe, at the time, to a full half of those who were qualified to vote. And more, it is understood, would now adhere, their scruples having been removed by the actual tone and proceedings of the assembly. And in proof that it was real agreement, and no undue surrender of judgment for the mere outward show of unity, the 'Acts' themselves are sufficient. Something may be found in almost every page of them, illustrating the statement made at the time, that 'while freedom of remark was most fully allowed, it was really wonderful to see how entirely the meeting was agreed on the main principles which they were called on to adopt.'

In respect of unanimity, then, the Synod may seem to have clearly surpassed what might reasonably have been expected: and in other respects it surely warranted the hope that had been formed, that real ecclesiastical assemblies, when they should be given us, would be guarded against the ordinary faults of public meetings. Of course there was an entire absence, as befitted the place and occasion, of those light expressions, which are sometimes apt to occur in assemblies called even for very sacred objects, when the place is not sacred. There was no boasting that 'Punch is with us.' There were none of those *conventionnalities*, whether by way of 'unction' in general sentiment, or of high-flown compliment to this or that particular person, which are so apt to damage both the solemnity and the reality of our clergy meetings, as of late years conducted. For the Synod's moderation towards opponents, we point to the affecting language of the preacher, who, referring to certain recent and very unmitigated expressions of opposition, says: 'Let us hope that these fears, springing, as they no doubt do, from zeal, and earnest feeling, and jealousy for truth and peace supposed to be in jeopardy, may be proved by the results of this assembly to be groundless.'¹ We point to the language of the Declarations themselves, both as regards the opponents of sacramental grace, of whom it is not obscurely intimated, that we believe great part of their scruples to

¹ P. 11. Compare Mr. Hole's Speech, pp. 54—56.

arise from a misapprehension of the doctrine we hold on conversion : and also as refers to the Church of Rome, the doctrine whereof is characterised as erroneous, and the act of seceding to it as schismatical ; but the amount of the error is not specified, nor yet is anything said of the ecclesiastical *status* of Rome in other countries. That is, the Synod wisely, as well as charitably, has confined its remonstrance to the special points now requiring it : a matter of extreme moment in Declarations to which many are committing themselves, and which are intended, not to raise new points, but to set us right before Christendom in respect of some which have been raised against us.

One word may be said here of a phrase in the Declaration against seceding to Rome, which seems to have gone further than anything else (though it went but a very little way) towards creating a division in the Synod. ‘ Secession from ‘ this Church,’ they say, ‘ being a sound part of the Catholic ‘ Church, to any other religious community, is in itself an act ‘ of schism, and perilous to salvation ; and in particular, seces- ‘ sion to the Roman community in England is not only an act ‘ of schism, but involves also the abandonment of truth for error.’ This proposition was understood by some as implying that secession to other bodies,—the Baptists, for example,—was *not* abandoning truth for error. But this surely was through want of attention to the rule, which was to be presupposed, that the Synod’s Declaration was to be taken with reference to the occasion calling for it, and indicated in its preamble, like a clause in an Act of Parliament. Now the preamble to this Second Declaration states as the occasion of it the many cases of defection to Rome which have occurred in the last ten years. The clauses, then, are to be taken with reference to those cases ; and the drift of them is, to lay upon every one so seceding the burthen of two distinct faults ; the first, disavowing and separating from the portion of the Church in which God had placed him ; the other, denying some portion, more or less, of God’s truth. The latter was needful to be added in some form or other, because there are, or have been, some few, who professing to hold all Roman doctrine, yet remain outwardly in the English Church, holding it to be a Church, and secession from it a sin ; and because those who press the former alone are sure to be charged with adopting this view, strange and paradoxical as it is. ‘ In particular,’ it need hardly be observed, does not here mean ‘ more than in other instances,’ but ‘ with reference especially to the case now in hand.’

The methodical and business-like way in which the Synod applied itself to its work has been generally observed and admired ; and, along with its other qualities, may serve to convince our jealous Anglo-Saxon hearts of that without which all

would be worse than useless, both in itself and in their eyes—the *reality* of the proceedings, and the *truthfulness* of those engaged in them. All in those three refreshing days was eminently practical; the most tempting subjects for declamation and debate were introduced, and there was plenty of skill and eloquence to spend upon them; but the Synod considered only what it had to *do* with them,—did it,—and dismissed them at once. And having done its work, so far as the time allowed, it said its prayers, and ‘departed, as it had assembled, in peace.’

There is a silence more emphatic than words; and the impression which this very serious experiment made upon men’s minds may in some degree be judged of by referring to occasions on which it was *not* spoken of. The *Times*, for a month and more, as we have seen, took no notice of it. But what seems almost more remarkable is, that on the 11th of July, just a fortnight after the termination of the Exeter Diocesan Synod, the subject of the Provincial Synod, or Convocation, was introduced in the House of Lords, and a very interesting discussion ensued, the representatives of different sections in the country giving their respective views: and no allusion to the course things had taken at Exeter. Only there was perceptible in the course of the debate a far greater respect for the notion of Church Synods in general, than had appeared on former occasions; and although the Archbishop of Canterbury clung to the old common-place about the wicked doings in Queen Anne’s time, the Prime Minister, leaving all that alone, was fain to make the most of the grand anti-reform argument, that Convocation, with its old powers, was an anomalous thing, and if it were now revived, would be a new thing. What will future parliamentary historians conclude from the change of tone on one side of the House, and the silence with regard to the Synod on both? May it not be that the one was beginning to feel itself in the wrong, and the other knew better than to press it too hastily to confession?

But it is said, ‘Well and good: the Synod is a creditable thing, so far as it goes, and does good by the favourable impression it produces of the mind and temper of the Clergy; ‘but after all, *cui bono*? Where are the visible and tangible results? Show us something definite, or our English minds cannot be satisfied.’ We reply, first, It would be no small result, were it only to issue in the casting of a new type for Episcopal Visitations,—hitherto, if not among the most serious, yet among the most open and palpable offences in the practical system of our Church of England, in the way, at least, of seeming languor and unreality. ‘What can we reason from but from

what we know? and what sort of knowledge concerning Bishops and their offices may we expect ordinary townspeople to gather from a Visitation conducted as ours have been for a very long time past? Notice indeed is given, as of a Confirmation, but there is no immediate personal interest to attract men's minds to it. So much the more need of a grave ceremonial, when the time comes; here, if anywhere, we might relax our intense jealousy of Processional Services, which certainly are not alien to our English feeling;—witness the two in the Prayer Book, one at marriages, the other at burials; as also that used in the consecration of churches;—who has not seen what a deep interest they create? But generally, as far as we know, the Bishop meets the Clergy at the inn, or perhaps at the parsonage-house, and they straggle after him, as they may, into the church. When they are there, the service is too commonly mutilated, and the arrangements discreditable, after the present town fashion. And by some strange oversight, it has nowhere hitherto been customary to solemnize that grave occasion with Holy Communion: an omission, we need hardly say, which, outweighing as it does all other defects, throws a most painful light upon them all. Then the Visitation Court opens with an Oyez, Oyez, Oyez; in a form no more solemn nor significant than is used in the most ordinary temporal judicature for the trial of the most trivial causes, and administered by persons much of the same stamp as to earnestness and reverence, as those who wait upon those august tribunals, the petty sessions of a borough, or a county court,—the Clergy crowding into the chancel without order or regularity, side by side, as it may happen, with lay persons of either sex. Then the Bishop, or Archdeacon, or Chancellor reads his Charge, which may or may not be impressive or interesting, but which at the very best must labour under several grave disadvantages. Having to be repeated at each of the several stations, it must needs lack something of the reality and freshness of a proper ‘Concio ad Clerum.’ Frequently the subjects are, many of them, more or less personal, and the persons most immediately concerned are present, and are known by every one to be so. Thus the document is apt to assume, in some degree, the shape and air of a public reprimand, without a trial, and without a possibility of reply: a process in general neither pleasant nor wholesome, either to the victims or to the bystanders. In short, it is very much like ‘preaching at’ individuals in a congregation; and the results are such as these:—if there be present a disaffected churchwarden, understanding probably no other sentence of the Charge, he is sure to catch that portion of it in which his own pastor and curate are attacked; and he goes home and tells everybody, ‘There were two of the clergy, at

any rate, who did not know which way to look : if there be a vulgar refractory clerk, he will whisper a defiance in the ear of his next neighbour, such as the writer of this paper overheard at a Visitation many years since ; the Bishop was giving cautions against Clergymen indulging in field sports, and a well-bronzed, thick-set individual grumbled half-aloud, ‘*I’ll kill a few more partridges next season for this.*’ Like to these, and much more serious, are the evil remarks and feelings which are sure to be occasioned by Episcopal Charges, delivered in the usual way, so often as they apply themselves, rightly or wrongly, to supposed existing errors and ill-practices ; and it is partly, perhaps, through a sort of instinct leading them to avoid these inconveniences, that so many of our Chief Pastors have been led to eschew on such occasions almost all matter that may be properly termed pastoral, and rather to consider themselves as Members of Parliament, reporting to those most nearly concerned the results of recent legislation ; or as influential persons pleading the cause of great works of charity and piety ; or, again, (but this more frequently in times past than now,) as theologians learnedly illustrating some point in which they took especial interest : objects, all of them, very necessary and useful to be attended to ; *sed nunc non erat his locus*, and it was little wonder, if neither clergy nor people in general have felt any hearty and abiding interest in documentary statements of that sort, or reverenced them as portions of the Church’s real spiritual work.

After the Charge, or before, as the case may be, comes the superintendence of the Churchwardens’ work, the sad task of giving in and receiving papers ‘solemnly declared’ to be a true presentation of all gross and scandalous offenders within the respective parishes ; but (through the profane tyranny of the State) known and avowed not to contain one single case, how notorious soever the occasion for it. This again is no good way of securing and increasing the respect and affection of the people to the Church, or of winning them to make much of her ministrations.

By the time the Churchwardens are dismissed, the dinner is ready : of which we will only say that it somehow or other is apt to take up too much time, and to associate itself unduly with one’s recollections of the day : seldom or never, we verily believe, running into positive excess, yet still occasionally giving too much countenance to remarks such as are said to have been overheard at an hotel where such feasts were regularly celebrated.—There had been, it seems, on two following days, a Visitation dinner, and a great meeting of dissenting ministers ; and it was remarked as ‘a fact in natural history,’ by the waiters and people about the inn, that ‘the Clergy drank more wine

'than the Dissenters, but the Dissenters ate more heartily than 'the Clergy.' Now, it may seem but a trivial thing, yet on reflection, who can help feeling that it greatly derogates from the dignity and reverential effect of the day, to be associated at all with any such comparisons and criticisms?

After the dinner come the speeches : and we wish we could say that, as a general rule, they had no need to claim the allowance usually conceded to after-dinner speeches ; when, men's minds being unbent, great liberties are, perhaps not inexcusably, granted them in the way of saying all that they feel, and a little more, of admiration and regard towards those whom they wish to compliment. But such unreality is surely out of place, when the under-shepherds of the flock are fresh, as it were, from giving in their account to the chief pastor : all words then should be grave and measured, and above all, *true* : personal talk, as such, should be religiously eschewed. We must say, from a good deal of experience, that were it not for fear of seeming undutiful to those who preside, and unkind to his brethren, we should expect every person of ordinary good taste, to say nothing of true clerical feeling, to turn his steps homeward on Visitation days, directly from the church door ; were it only to avoid this crowning unreality of all, the professions and compliments, in which that time is lost, which might be spent in at least endeavouring to hold conference upon some portion or other of the immense interests wherewith the assembly is entrusted.

Now the late Synod of Exeter, whatever it may be or not be in other respects, is obviously a precedent for at once getting rid of many of these distressing anomalies, and opens the way to abatement of the rest. First, as to the previous interest,—a free deliberative Council of a Bishop with his Clergy is one thing, and the Bishop alone reading a pamphlet with his opinion on a few topics of the day, is another thing. The one announcement would naturally take more effectual hold of men's thoughts than the other. It is now said, indeed, that there has been in Exeter, all along, great apathy about the Synod : but surely the very eagerness of opponents, in their meetings and newspapers, demonstrates unusual feeling of some sort ; nobody could have walked the streets of Exeter on the day preceding the Synod, and have seen all the irritating placards and inscriptions, without feeling that the opponents of the Synod had done their utmost to secure a popular tumult ; and therefore the very quietness, in a place where the elements of uproar exist so abundantly, as had been sadly proved on former occasions, may well have been an effect, not of indifference, but of real expectation —men wondering what would come of it. When the day came, the services were as solemn as possible : most especially, (what is *instar omnium*,) the gracious promise of our Lord, 'There am

I in the midst of you,' was acknowledged and realized in His own appointed way, by the celebration of Holy Communion : which improvement indeed had been adopted all through the previous Visitation, as if the coming Synod were, as it were, casting before itself a kind of beneficent shadow.¹ And who can say what effect this one circumstance may have had on all that ensued? Who can help wondering that this alone should not have stayed certain good and conscientious men in their rude and unsparring censures of the whole proceeding?

In another important circumstance that Visitation was unlike what we have been used to witness : we mean, in the substitution of a previous Pastoral Letter for a Charge repeated at the several stations. Some of the great advantages of this change are implied in what we have written above : in addition to which, whoever considers, will perceive that it leaves the Bishop and Clergy much more free than the way hitherto more usual, for reproof, warning, encouragement, on the one hand ; inquiry, remonstrance, explanation, on the other : it spares the unnecessary wounding of personal feelings, as well as many scandals ; saves time and temper, and is altogether a more thoughtful and dignified course. For which cause, as we imagine, it was commonly adopted in the Churches of Christ, and particularly in the English Churches, until a comparatively late period :²—the

¹ See Mr. Ford's touching Visitation Sermon.

² In Strype there occur many records of Visitation, with no allusion whatever to anything like a modern Charge,—and in one, to us peculiarly interesting, being a notice of Archbishop Parker's first Visitation at Canterbury, we have a minute of all that was done, in which it was not likely that an important circumstance, like the delivery of a Primary Charge, should be omitted. (Life of Parker, b. iv. c. 3.) 'The Visitation began with the celebration of the Prayers and *Holy Communion* in the Chapter House, by one of his Chaplains, the Dean and Clergy present. Which Visitation he continued from day to day, until the 22d day of the same month. And then he gave forth to the Clergy and Laity of his Diocese, divers wholesome injunctions.

'The particular method and manner of this Visitation, how first to be entered upon, for the more regular and orderly proceeding, (as the Archbishop delighted to do all his matters with a grave and solemn decency) was thus appointed :—

'First, That the service be done in the choir by eight of the clock in the morning. Secondly, That all they of the choir, with the whole foundation, after service done, stand in the body of the church on either side of the middle aisle, in due order ; and that the Dean, Prebendaries, and Preachers, do come to the Palace to wait upon my Lord's Grace to the church. Item, At the entry of my Lord's Grace into the church, the choir to go up before him, singing some anthem. Item, They being all placed in the choir shall sing the Litany. Item, That being done, the grammarians and the choir to go up into the presbytery, two and two in order : and so on the back side of the choir, by Bp. Warham's chapel into the Chapter House. The Archbishop, Dean, Prebendaries, and Preachers to meet them at the stairs' head. And they only with the Archbishop's Officers to be *infra cancellos*. And there and then, before the beginning of the Sermon, to sing the Hymn *Veni Creator*, and in English. The Dean to say the Collect following for grace, beginning *Gratias agimus*, &c. in English. Item, These things being done, the Preacher to proceed in his sermon. Which being done, all the extern laity to be commanded out by the beadle. Item, The Dean or Vice-Dean to bring in his certificate. And all they of the church to be called and sworn, and monished to bring in their several presentments, &c.'

first mention that we are aware of, of an Episcopal Charge after the now prevailing pattern, not occurring until since the Restoration. We allude to Bishop Morley's Charge, in or about the year 1670, mentioned by Nelson in his Life of Bishop Bull, as having contained a censure on something in the 'Harmonia Apostolica.' After the Revolution the fashion seems to have become general. Burnet, Bull, and Fleetwood are instances of it. Curiously enough, its prevalence dates from the time when the Clergy of the second order began to be looked upon with more jealousy, and their privileges to be silently curtailed by the revolutionary government and its prelates. To compel the hearing of a long Charge, was no bad way of occupying the time which might otherwise have been spent in inconvenient discussions.

But let the historical point stand as it may, the substitution of a Pastoral Letter for a Charge is so obvious an improvement, as things are now, that we cannot but hope to see it regularly adopted. And then, there being more leisure for the overseeing of the churchwardens' work, we may reasonably hope that it will be more attentively and thoroughly done. With a little effort and watchfulness on the part of the Clergy, one Visitation after another, the atrocious state of the law in regard of presentations for immorality may be so completely exposed, that the decency of the nineteenth century will be unable to endure it any longer.

On the whole, our readers, we think, will agree with us, that the Exeter experiment will have been worth trying, if only as a precedent for such obvious improvements in the mode of Episcopal Visitation as have been now briefly sketched. Those meetings, according to a high authority, were meant to be 'Clergy Councils for the benefit of the Diocese,'¹ substitutes, in a way, for proper Diocesan Synods. If they be councils, there must be discussion; but in ordinary Visitations there is no discussion, except incidentally in the course of the afternoon. But we must all feel that a solemn chapter-house is a better place for clerical deliberation than the dining-room of an inn, and that it follows more becomingly upon Holy Communion than upon an ordinary meal.

The truth is, Episcopal Visitation was meant to be judicial, not deliberative: its conciliar meaning and aspect, spoken of by Herbert, was a mere after-thought, and, if ever practically acknowledged, has entirely passed away. The method of proceeding by Pastoral Letter and Synodical assemblage (as the *Times* has pointed out) is, in fact, realizing Herbert's idea, as completely and judiciously perhaps as could well be wished.

But there is another great and obvious need of the Church,

¹ *Country Parson*, c. 19.

to which assemblies like that at Exeter are most critically adapted. The *ordinary Visitation*, to proceed as it should do, implies the existence of Diocesan Synods: but in *sudden emergencies* they seem really quite indispensable. Ask any one who has been called to do or suffer in the ecclesiastical troubles of these three sorrowful years, from the appointment of Dr. Hampden down to the Archbishop's unhappy letter to Mr. Gawthorn—has not our first feeling all along been, ‘Ought ‘not something to be done? but we know not which way to ‘turn: we are unauthorized: who shall act for us, or show us ‘how to act?’ and our second thought, (when we found that our Bishops failed us, as ever since Christmas, 1848, we too certainly knew that they would,) was it not to long for some canonical way of taking counsel together? in default of which, we have found ourselves driven to irregular action, both of individuals and of Church Unions; irregular, but, under the circumstances, indispensable, for without them, how were Christ’s people to know what our true meaning was? There has been misunderstanding enough as it is; but had it not been for the Church Unions, there would have been a good deal more. Without such hints, explanations, and limitations, as they have from time to time supplied, our confusion and bewilderment would have been, humanly speaking, hopeless. Still the very act of coming together irregularly has brought more vividly before us the need of regular and orderly assemblage; and a Diocesan Synod, now that we have seen it with our eyes, proves itself to be the very friend in need, in search of whom we were wistfully looking round, when those ‘enormous acts of mere power’ forced us into our defensive position.

Moreover, all good and charitable hearts would surely wish to lessen, as far as might be, the exceeding danger to individuals, arising out of such a state of things; when, in default of acknowledged and official organs, people betake themselves, here and there, to this or that person, whom they judge most worthy of their confidence,—a perilous thing, both for him and them, and such as that they who know most of it will most rejoice in an arrangement, which, referring Churchmen to their natural leaders, would take away all necessity of choosing for themselves. Even after all that has happened, we cannot help believing, that if the Synod of Exeter had been in action when first the judgment in appeal on the Gorham case was promulgated, and had then set forth its present doctrinal statement, the great body of those who are called moderate Low Churchmen, would have seen that in substance of doctrine there was more agreement than they had imagined, and that the only thing sought to be condemned was that which they would join in condemning—the denial of all Sacramental Grace. In like

manner, had there been a Synod of Hereford in 1848, may we not hope that the Clergy and laity of that Church would have seen their way how to resist the uncanonical and oppressive intrusion? to which, as things were, they submitted, as we verily believe, from the mere feeling of helplessness.

We say, the Laity as well as the Clergy: for this again is one of the main benefits which we expect, if it please God, from the principles of the late Synod, properly carried out,—that it may bring back to the Christian people, or lay communicants, their proper function in the government and discipline of the Church, from which they are now irreligiously and oppressively debarred, by the intrusion of those who either are not communicants, or would not be so, if Christ's discipline were free to act. The Bishop of Exeter has emphatically declared his own view on this matter.¹

'I trust the time will come when we shall be able to hail the great body of the people of England as the real laity of the Church. I shall be in my grave long before that period arrives: but most certainly, were that period now arrived, I should not only consider it right to consult them, but I should rejoice to have the real body of the laity present at the approaching Synod. I should hail it as one of the greatest blessings. I should remember how S. Cyprian, and all the ancient Fathers, regarded the laity as so deserving of confidence that they never did anything without consultation with them, except as respecting the guardianship of truth. That was a trust which they could not permit any other bodies than themselves to guard, the spiritual body being properly entrusted with the guardianship of the faith; and S. Cyprian, who was most anxious for the counsel of the presbyters and the concurrence of the laity, never dreamt of letting them decide matters of faith.'

'Barrow, speaking of the Pope's supremacy, says,—"Every Bishop in his own Church did act freely according to his will and discretion, with the advice of his ecclesiastical senate, and with the consent of his people (the which he did use to consult), without being controllable by any other, or accountable to any, further than his obligation to uphold the verity of the Christian profession, and to maintain fraternal communion in charity and peace with neighbouring Churches, did require." It is to that that I look as the point to which all our efforts should be directed. We should strive to recover the purity, the simplicity, and the power, in its genuine sense, of the Church; not the power of the Clergy, far less of the Bishop, but of the real Church—Bishop, Clergy, and Laity, united in one common object for the good of their common Church; and to the laity, as the great body, should be paid great attention and great deference; and I declare I do not believe a man in this country exists more anxious to have the real authority of the real laity than I am, as I am sure there is not one who would go further than I would to obtain it.'

That is the Bishop's view: and who knows how far he might have been able to carry it out, even at this very time,—who knows but this Exeter Synod, in addition to its other services, might have helped effectually to solve that most difficult and much canvassed problem, how to combine the due influence of the laity with the sacred prerogatives of the Apostles' successors,

¹ See his Speech at Plymouth. 'Guardian Newspaper,' p. 435. No. 289.

—had not the unfortunate prejudices of some whom we respect united with the vulgar hate of many whom we cannot at all respect, to stir up, if possible, confusion and opposition in every parish of the Diocese?

What course his Lordship might have taken for the realizing his earnest wish, had no such difficulty existed, it is not for us to conjecture. But, speaking of course only for ourselves, we will just indicate the mode and degree in which we consider that appeal to the Laity might be feasible and right on such an occasion; how it might be carried on, consistently with the invariable rules, or Common Law, so to call it, of Christ's Kingdom. The true Laity of the Church,—that is, those who duly participate in the Sacraments according to the Canons,—might perhaps be considered as having a right to be officially informed by their own representatives—who, for that purpose, not with authority to vote, should be present at the Synod—of all its resolutions and proceedings. And of any determinations concerning doctrine, in particular, the ancient custom of the Church would require them to be so informed, as that they might, after consideration, signify either their assent to such decision, or their wish to have the matter re-heard in another Synod: in other words, they might either submit, or they might go on for the present under appeal. We do not find in Antiquity that they ever had power, either in a body or as represented by their chief governor, directly to reverse what the Clergy, after due deliberation, had freely decreed. But the indirect power of demanding that the cause be re-heard, they seem to have exercised without limit. And this is the proper province of the Church diffusive, supposing it dissatisfied with a decree otherwise ecumenical. The appeal might go on, the matter might continue in abeyance, for whole generations, if need were, without prejudice to the Church's being, though often with most painful consequences to its well-being. But the Church diffusive, the whole body of Christian people, was sure to prevail, if consistent, even in modifying doctrinal decrees; for although, as laymen, they could not vote in Council, they had the undoubted power of electing those who did vote,—the Bishops: and so, if the Bishops of one age proved unfaithful, yet if the Laity did but abide faithful, the remedy, though more or less slow, was sure;—they had but to elect, as vacancies occurred, orthodox in place of heretical Bishops, and by-and-by the majority, and in time all, would be with them. The whole process is very analogous to that by which the people of England have their own way in temporal matters: they cannot directly reverse the votes given by their representatives, how wrong and how displeasing soever; but they may indirectly

secure such reversal by taking care, when the time comes, to choose representatives who will promote it. So that eventually nothing shall for good continue to be enacted as a term of communion, or universal law of the Church, whether in doctrine or in discipline, but that to which the whole Church, Clergy and Laity, has by its representatives assented; according to the saying of Hooker, ‘The true original subject of power to make ‘Church laws is the whole entire body of that Church for which ‘they are made.’ And we have the express promise of our Lord, that however it may be in details, nothing shall ever be assented to, as a law or doctrine, by the Church Diffusive—*semper, ubique, et ab omnibus*—so bad as to forfeit the entire covenant and destroy the very being of the Church. Less than this we can hardly understand, to quote no more, in that gracious promise, Isaiah lix. 21: ‘As for Me, this is My covenant with them, ‘saith the Lord; My Spirit that is upon thee, and My words ‘which I have put in thy mouth, shall not depart out of thy ‘mouth, nor out of the mouth of thy seed, nor out of the mouth ‘of thy seed’s seed, saith the Lord, from henceforth and for ‘ever.’

Now to apply this theory of Church legislation to the special case in hand. Although—probably in great measure from the unhappy cause above alluded to—there were no laymen present as members of the Synod of Exeter, one can imagine the Synod recommending to the Clergy of the several parishes, that they should make known its determinations to the laity within their cures,—that is to say, to those whose rule is to communicate regularly at least three times a-year,—and to request their adhesion to what had been done; and in proportion as such application was successful, might it be truly said that the whole Church of Exeter, and not the majority only of its Clergy, had affirmed such and such doctrines, and bound itself, not in law, but in conscience, to such and such rules. On the other hand, in proportion as any dissented, the matter would remain, as I said, under appeal—under appeal to the next highest authority, which could be no other than a Provincial Council; unless indeed they could obtain a re-hearing in the Diocesan Synod itself. And in the meantime, supposing the law of the land not to interfere, persons on both sides would be left free to influence others, and be influenced, with a view to such eventual re-consideration:—and one should wonder if, when the time came to hold another Synod, the laity of the several parishes should not think it worth while to depute some of their number, one, say, from each Deanery, to be present in the Chapter-house, as the Emperor’s Commissioners used to be present in General Councils.—They might not vote, at least not on doctrinal questions,

nor on matters of strictly spiritual discipline. They might only make suggestions at the time, and report to their constituents. It is evident without explanation, how much indirect influence they would thus gain over the deliberations of the actual body: and besides, as the laity of old, by the slow but sure process above alluded to, could amend the Church laws through their prerogative of electing Bishops, so the very composition of an English Diocesan Synod cannot but depend in a great measure on the mind and will of the English people. What with private patronage, and what with political power, they, at more or fewer removes, have really the appointment of their Bishops and all pastors. Nor does any one complain of this, if only decent care were taken that aliens and profligates should not interfere.

We would put it with all earnestness to the truly respectable persons, who have allowed themselves, whether in Devonshire and Cornwall, or elsewhere, to be carried away by fears and jealousies of the result of Synodical action,—we would put it to them, whether they would not consult much better for their own real and legitimate influence as Christian laymen, by falling in with such a plan as has now been indicated, and using it soberly and Christianly for the good purposes to which it is evidently applicable, than by summoning or sanctioning ordinary public meetings, and eliciting speeches for the newspapers from all sorts of people on matters so very serious and sacred? In which of the two courses is there most danger of deviating into disrespectful language, and damaging—if so be—a good cause by low and unworthy means?

It seems almost certain, that when such a system as this of real lay cooperation had been tried and had prospered in a Diocesan Synod, the principles of it would be felt to be applicable to the Provincial Synod, or Convocation, also, and those whom it most concerns might account it more statesmanlike, to let the Church be quietly influenced by her own faithful laymen, acting with her own Clergy, than to be for ever rudely forcing upon her such persons and measures as are known to be most distasteful to her.

A successful Diocesan Synod, then, especially if it hold out a good hope of combining with itself a system of lay cooperation, would be one of the best omens of a successful Convocation, or Provincial Council: which would in some sense be only the more needed, if the several Dioceses did not quite agree: for it would be the only way of moderating their disagreement; too likely, if let alone, as every day's experience is showing, to end in irretrievable schism.

And here we will say in passing, that it is the greatest

possible mistake to imagine, that by merely not interfering, by allowing each party to say and do what they please, you at all promote the reconciliation of rival Church parties. Children do not quarrel the less, if they are left free to quarrel all day long. Let them be with other children in school,—some school where there are laws and traditions concerning the right mode of conducting a quarrel,—and they will learn to make the least of their differences, if they cannot quite agree. So let the opposite parties meet within the walls of Convocation, when the more eager will be controlled by the more moderate, and all by the rules of debate; then personal prejudices and misunderstandings will be, many times, presently corrected, and real differences sometimes made up. But as it is, we have something too much like the aspect which the political world would wear, the Carlton and Reform Clubs and all the other resorts and means of party continuing just what they are, and no House of Commons to bring the opponents together.

Over and above all this, it is becoming daily more evident, that without some larger measure of practical freedom allowed to the Church, she will not be allowed to go on much longer serving the State at all: her many foes will come down more fiercely upon her, and her defenders will grow more lukewarm, exactly in such measure as her doctrines and discipline are withdrawn, and her temporalities remain, scarce decently accounted for by her civil and social uses. Now, if she is to have freedom, her Synods, properly modified, are the natural form and organ for her to exercise it in; and the least embarrassing and dangerous, were it only that they bear the plainest analogy to what we are used to in the civil state.

We have heard it, however, stated as against Diocesan Synods, that there is a danger of their rather delaying, than furthering, the long desired session of Convocation. One alleged reason was this: that the representatives of the Diocese would come to Convocation more or less hampered by the proceedings of the Synod, in which probably themselves would have taken part. But what does this objection amount to? In a great question of principle, such as that which is now at issue among us, it is morally impossible but that many of those who are to deliberate must have committed themselves beforehand on one side or on the other. Members of Parliament belong to Clubs, write books, attend public meetings, pledge themselves to their constituencies; yet deliberation goes on, and they are free agents: and so in this case: men will not be so bound by their previous assent to the determinations at their Diocesan assembly, but that they may change their mind in Convocation, if Truth demand it of them. The Diocesan Synods are but as Primary

Assemblies : they look at every subject with a consciousness that their decision is not final ; and the very knowledge of this would be sufficient in general to guard against the apprehended inconvenience. On the other hand, their action will probably be the greatest help to that of the Provincial Assembly in one of the most material points : that is, in preparing subjects for its discussion,—collecting and methodizing information and argument for its use ;—of which kind of work the Synod of Exeter has already set an example, in nominating a Committee to examine and report on the colleges so strongly recommended for agricultural labourers. It is manifest, too, that such Committees, sitting in the interval between one Synod and another, may be of the greatest use in watching what is done by Parliament or public men affecting the Church, and by sounding the alarm when needful.

Even by such a feeble and hasty statement as this, the principle of Diocesan Synods would appear to be amply justified, and also the seasonableness of the Synod of Exeter in particular ; and that on grounds, not at all of faith, but of plain practical common sense, such as the most unbelieving may be at no loss to appreciate.

We proceed now to take up the other ground. How do the Synod and its proceedings appear to the eye of Faith ? As true believers, or desiring to be so, in our own supernatural state—in the One Catholic and Apostolic Church, according to the sense in which those words were understood in the three first centuries—how do we find our position improved, or otherwise, by the holding of this Synod at Exeter ?

There are obviously three main points, in which the believing heart and soul finds itself disquieted by the present state of the English Church,—two of Doctrine, and one of Discipline. There is, first, the denial of sacramental grace, which trenches on the article of One Baptism for the remission of sins ; secondly, the exaggeration of the Royal Supremacy, virtually denying the One Catholic and Apostolic Church ; and, thirdly, our continual intercommunion with persons upholding these and other fundamental errors, some of them in very high place.

In regard especially of the first of these three points, we think it undeniable that the Synod of Exeter has materially strengthened our cause. It has expressly, by its proper ecclesiastical authority, affirmed the doctrine of sacramental grace, as far as that doctrine had been impugned by the proceedings of the Government, and of Churchmen lending themselves to these proceedings. Of the value of such reaffirmation we may the more adequately judge, if we recall what our feelings were

immediately after the offensive judgment, and how joyfully we should then have welcomed such a fact as the Synod—the overwhelming majority of a large Diocese coming solemnly forward in support of the truth. We should have felt that we could hardly in reason have expected any more encouraging response to the call then made upon us, to obtain from the Church of England, with or without the assent of the State Courts, an authoritative repudiation of the erroneous doctrine sanctioned in the Gorham judgment. For a single effort, all would then have said, hardly anything could have happened more hopeful.

But is it not in some respects even more hopeful now?—now, that after so many distressing months, so many temptations to fall back or swerve aside; such an uncompromising, unpitying course, on the part of those who have temporal power, setting their rigidly exclusive mark on all who do but question their dealings with the faith; such ungenial and (the word must be spoken) unfatherly demeanour in the highest places of the Church; and, worst of all, after the sad proof given by not a few of those whom we then trusted, that, consciously or unconsciously, they were acting without faith;—after all this, and much more that might be mentioned, so large a proportion of our quiet hard-working Clergy are found at once answering the call of their Bishop, himself the object of much odium, in a cause more or less unpopular—pledging themselves before God and man, *and taking the Sacrament upon it*, to hold the Article which has been impugned in its fulness, as not only true, but necessary? We feel more and more as we write, that it is *most* encouraging: we couple with it the circumstance that the young men of our Universities, and the majority of those who are candidates for Holy Orders, go on still, as in other years of late, indicating by no doubtful tokens their adherence to the old and true ways—the rather, we verily believe, (according to the ingenuousness of youth,) because those ways are scorned and disengaged. When we put it all together, remembering also how it was met and anticipated by news from the Southern Ocean and from beyond the Atlantic—as it is written, ‘Before they call I will answer,’—it really seems to us quite wonderful, that any real believer in God’s providence, and in the Creeds of the Church, can fail to discern His merciful interference;—that any generous and loving heart can bear to think of separating at such a moment from such a cause.

We will illustrate our meaning by some touching and eloquent words of one to whom the Synod and the Church are deeply indebted. First, in language which may remind many of prognostications formed and intentions announced in the beginning of last year’s misery:—

* I say, it is necessary for us to speak. My Reverend Brethren, it is high time for the Church of England, in some regular way, to speak out. I have had many opportunities,—far more than most of my Reverend Brethren, (which is no cause of boasting, but it is a matter of fact,)—I have had, I say, more opportunities than most of my Reverend Brethren for knowing that. There is a wide-spreading and a wide-spread feeling of perplexity, and doubt, and dismay, prevailing among the members, the most attached members, of our Church upon this one specific ground; and again I say, let me speak it without offence, my object is to promote unity, and not discord; not to excite discussion, but to terminate disputes upon this one specific ground, that neither the Bishops as a body, nor our learned Universities as a body, nor our Capitular bodies, in all the anxious questions which have vexed and agitated the Church for many years past, have ever spoken out to lull the storm. My Lord, I do know, from extensive information, that that special cause has been at the bottom of the greatest part of the disturbance of men's minds in our own Church. Hence, and I speak it confidently, there have been many doubting minds; hence there have been some advancing to the edge of the mire of despondency, and some that have actually fallen into it. Hence there have been some that we have loved, and whom we cannot but love still, who have left the arms of the spiritual mother that begat them, and gone to one who has beguiled them to her bosom, and, like another syren, when she has got them in her power, has morally and spiritually transformed them. I speak this with the deepest grief, because there are among these men some that I have loved and valued as I have loved my own heart's blood; but I cannot conceal from myself the fact, that I do know, in many instances, that it has arisen from this cause. Only a few short days ago I received a letter from one reverend brother who has just joined the Church of Rome, and he says, especially, that this was the cause which drove him there. Now, my Lord, I trust I am saying nothing unbefitting this solemn occasion, when I do at this time, not before a mixed multitude, but in the presence of my reverend brethren, declare what I know to be the truth, and what I believe to be a most important truth for us to consider. Let me now, my Lord, very briefly state what many of these gentlemen have stated to me to be the quick process of their reasoning: but let it not be supposed that I go with them to their conclusions. They have said thus:—"We have had questions touching the very life of Christianity agitated in our Church; we have found those who were our natural leaders, and whose place and duty it was to guide us in our difficulties, and to resolve our doubts—we have found them, not leading us, not guiding us, not resolving our doubts; and that appears to us to indicate, too surely, that the Church, which is without a living Voice, is without life and utterance." I have said, my Lord, that I follow them not to their conclusions, for they are false; but certainly it is lamentable, most lamentable, that so much ground should have been given to lead them to the very edge of the conclusion. I go not with them—of course I do not; but I do most deeply sympathise with them in their original difficulties, and I cannot but remember that there is a solemn text in Holy Writ, "Woe unto them by whom the offence cometh," and, "Woe unto them that offend one of these little ones," who may be weak in faith or in argument.'—*Speech of Mr. Oxenham, Acts, p. 49.*

Then, in accounting for Church Unions, he mentions how after the decision as to the Bishopric of Hereford, men said:—

* "We feel that great and vital questions of our faith are at stake; we look to our natural leaders: we call upon them for help: we call upon our Bishops as a body; we call upon our Universities as a body: we call upon

our Capitular bodies, whose very office it is to act as counsel to their Bishop, and as defenders of the integrity of the faith, we call upon them to help us: we call from morning to night: we look for the least indication of the fire of zeal falling from them, but there is no voice, no answer. "Our natural leaders," said they, "lead us not; but God is our leader: we are sworn soldiers of the Cross, and if we may not fight as a regular army under our regular leaders against the enemy, *pro aris et focis*, let us have a guerilla warfare *pro Deo et Ecclesiâ*." This is, my Lord, I humbly submit, the strictly true history of those anomalous, but necessary, bodies.'—P. 50.

Once more: of the Gorham case,—

'Upon that question, touching, evidently, the very centre of the faith, even here there was no voice to lead or to guide us; and I may say it is not Church Unions, neither is it the Clergy alone, who have felt this, but, as I can speak from my own experience, it is the laity of the middle orders, the respectable and wish-to-do-well members of the Church, who have sought, and asked, and complained that they have sought and asked in vain, what, as members of the Church of England, they were to believe, and what they were not. I do say, then, my Lord, it is high time that the Church of England should speak out with a voice of authority.'—*Ibid.*

Here we have three distinct classes of Churchmen, concurring in the expression of the same longing: the acute and learned, who know the theory of the Church, and cannot be happy without realizing it; the stirring and practical, who would keep all Church officers to their duty; the simple and obedient, who want a guide for themselves and their children: and to each class, if the complaints they uttered were genuine, and not a mere contrivance to slur over a deeper discontent, the proceedings at Exeter cannot but prove a great relief. For, as common sense must show them that under our circumstances, with aliens appointing our chief officers, it must be a work of great patience—perhaps of one whole generation or more—to obtain the true authoritative voice of the Church; (for she must be allowed time to win back her freedom, if she can; you must take off the gag, before you can know what words a person is minded to speak;) so, if we are not most unreasonably sanguine, we shall be well content, *as a beginning*, with the beginning that is now made: we shall feel, to use a homely simile, that we have got hold of the end of the string, by which in due time we, or those who shall come after us, will surely disentangle this painful and puzzling knot. What a pity to retire from the task in despondency,—to cut the knot in rude impatience! The Gorham decision—'bad luck to it'—was uttered in March 1850, and this is September, 1851—just a year and six months. What is a year and six months in the measures of that Kingdom which is to abide for ever?—and yet even in that short time, besides innumerable other indications of the true living mind of the Church, we have by God's mercy obtained this great thing, a *ποντ στῶ*, a firm footing, a point around which all friends may

gather, a base of operations for the great warfare in vindication of truth and liberty, to which we and our children are called. We have learned to regard our Dioceses as being what Scripture calls them, so many Churches, and not as mere unorganized parts of a National Church. One of those Churches in England, several elsewhere, have reaffirmed the Faith when in peril; the rest in their order, please God, will do the same: but it is God's work, and can only be done in God's time, with patience and great charity: for if ever there was a case in which the wheat was palpably in danger of being plucked up with the tares, this surely is such a case.

But here we are unawares anticipating a later portion of our argument. Before we go on to that, we must dispose of two grave objections, which have been started, the one as to the correctness of the Synod's doctrinal statement, the other to the practical sufficiency of the protest made in its behalf.

The first clause in the Declaration, after the preamble, stands as follows:—

‘ Acknowledging “One Baptism for the remission of sins,” we hold as of faith that all persons, duly baptized, (and being adults, with fit qualifications,) are not only baptized *once for all*, but also are baptized with the *one true Baptism* of Him Who “baptizeth with the Holy Ghost,” and Who thus making us to “be born again of water and of the Spirit,” delivers us thereby from the guilt and bondage of all our sins, of original and past sin absolutely and at once, of sins committed after Baptism conditionally, when with hearty repentance and true faith we turn unto God.’

Now exception has been taken, as many of our readers may know, to the parenthesis in this clause, ‘ and being adults, with fit qualifications.’ Why, it has been said, give so much countenance to those who would separate the grace from the rite of Baptism? Why speak as if, duly given, it could be in any case null and void? Some have gone so far as to declare, that the Synod holds two several Baptisms, one of water, the other of the Spirit—and that it concedes by this clause the principle of Mr. Gorham's argument: for if there may be a tacit hypothesis in the case of adults, why not, say they, in the case of infants also?

As a true and sufficient reply to all such objections—keeping in view the Bishop of Exeter's own account contained in the postscript (p. 43) to his recent Letter to the Clergy on Archdeacon Sinclair's Charge—we would allege that the Synod was not stating the whole doctrine of Holy Baptism; it had no call to do so: it had to deal with a special error, and to the disavowal and condemnation of that special error it did well to confine itself. The error lay in this: that Mr. Gorham, Mr. Goode, and with them the whole extreme section of those who would be commonly called Low Churchmen, maintain that Baptism may fail in efficacy even where no bar is interposed by the con-

scious unworthiness of the candidate. They do not all explain alike how this happens: Mr. Gorham says, that the original sin, existing in the child, if not removed by preventing grace, is a sufficient bar to its receiving Baptismal Grace; Mr. Goode lays the blame on the lukewarmness and unfaithfulness of those who present the child, as parents or as sponsors. The case of *conscious* unworthiness came in but accidentally, in the argument between the two parties: there was no necessity for the Synod to say anything of it; and we cannot but be of opinion, that not being necessary, it was better let alone.

The objection indeed supposes that it is not let alone;—that the Synod has so expressed itself, as distinctly to countenance the idea, that the Sacrament to the unworthy receiver is absolutely null and void;—but surely this is interpreting without consideration. The original draught of the Declaration, as we have understood, had no such clause. It ran simply thus:—‘All persons duly baptized are not only baptized once for all, but also are baptized with the one true Baptism of Him Who baptizeth with the Holy Ghost, and Who, thus making us to be born again of water and of the Spirit, delivers us thereby from the bondage of our sins.’ As the clause now stands, the word ‘guilt’ is inserted along with ‘bondage,’ and this, if we rightly understand it, makes all the difference. We cannot imagine that an unworthy receiver—suppose Simon Magus, if he was really unworthy at the time—is delivered from the *guilt* of his past sins:—such a thought is contradicted by the terms of the Church’s original charter, ‘Repent, and be baptized... and ye shall receive the gift’: but we may conceive of such an one as being translated, against his will, and without his belief, into a new and supernatural state, in which, on the one hand, the guilt of his sins will be indefinitely aggravated; on the other, he has power by God’s mercy in the Sacramental Covenant, to break through the *bondage*, if he will. It is a most awful thought, but it is quite conceivable: and all things considered, it is surely the view most conformable to Holy Scripture and Primitive Tradition. Still we are not aware that even this has ever been so authoritatively set forth, either by the Universal Church or by the Church of England, as to make it advisable for the Synod to pronounce it a matter of faith. We need not say that the doctrinal office of a Synod is strictly confined to re-affirmation,—in other words perhaps, and with more detailed application, but still in substance strictly re-affirmation,—of the faith once for all delivered to Christians: and those who find fault with the qualification here referred to, are bound, we conceive, to show that the proposition which they suppose it to disparage is not only contained in that Faith, in the sense of being deducible

from it by right reason, but also that it has been actually deduced from it, and made imperative upon us, by some sufficient authority. But where is the authority, either of the Church Universal, or of the particular Church of England, for holding as of faith that Simon Magus, if impenitent when he was baptized, was delivered thereby from the *guilt* of his past sins? From the *bondage* of them, no doubt, he was so far delivered, that it was in his power, by the aid of God's good Spirit, to repent and break his bonds. So S. Peter plainly tells him; but in the meantime he was more guilty than ever. We consider, then, that it was not only wise and charitable, but absolutely necessary for the Synod, if they inserted the word 'guilt' in the latter part of the sentence, to insert also the condition for adult baptisms, as they have done in the former part. And even had the sentence remained in its original form, perhaps the most prudent way would have been to decline affirming it as of faith; for although it is the clear view of the African Church, as expressed by S. Augustine, and has been very generally received by later Theologians, and is altogether most conformable to the analogy of the faith; yet neither are the Fathers quite unanimous upon it, nor has it ever been ruled, as the doctrine of Infant Baptism has, by either of those plenary Councils to which we are bound to defer. And this perhaps is the reason why the Church of England pronounces nothing upon it, in her office for Adult Baptism. There is a well-known and very significant insertion in that office, which may have suggested this in the Exeter formulary; certainly the two are just parallel to each other; and they who blame the Synod for its mention of 'due qualification,' do they not, in effect, blame the Prayer Book for describing those newly baptized, of whom we are 'not to doubt, but earnestly to believe, that Christ hath favourably received them,' as those only, 'who truly repent, and come to Him by faith?'

It is true the same office goes on to declare positively, and without any condition whatever, that the new-baptized are regenerate and grafted into Christ's body: they are received into that supernatural state and mysterious relation to our Lord, which will be their greater condemnation if they are now, and continue to be, unworthy; even as it will be their eternal salvation, if they walk according to it. And this statement might have gone a good way towards justifying the Synod, had they retained the original form in their Declaration. But it would have made long explanations necessary. Care must have been taken to set forth clearly the somewhat unusual aspect in which Regeneration is here contemplated, not as the beginning of Sanctification, but as a change of spiritual condition, one might

almost say, of nature—an unspeakable privilege to be used or abused at our free will—a lifting up of man to something nearer the state of Angels. It would have been a great gain to the enemies of baptismal grace, to have the chance of drawing people's attention to this preliminary part of the argument, away from the plain, familiar, unhesitating declarations of the Prayer Book and our great Divines, concerning the positive and most certain *blessings*, which the Sacrament of the New Birth brings with it to those who put no bar in their own way. Well do they know this, who have tried at any time, on a smaller scale, in meetings, for example, of Rural Deaneries, to reconcile the hearts of their brethren, and rectify their misconceptions, by ‘beginning from the beginning’—stating completely the whole Catholic Doctrine of Baptism. Those who are disputatious find so many preliminary difficulties, that the whole discussion evaporates, as it were, before we can approach the real issue.

For reasons like these, we are glad and thankful that the Exeter Clergy took up the doctrine at the exact point where they did,—waiving any statement of the spiritual result of Baptism where a bar is interposed, and coming at once to that which is practical, that which comes home to our own case, among whom, by God's mercy, Infant Baptism is as yet the rule, Adult Baptism the rare exception.

To prevent mistakes we will here take notice, that whereas we have stated above that there is not an entire *Consensus Patrum* in the Augustinian—which is also the Schoolmen's—doctrine, of the effect of Baptism on the unworthy recipient, the variance does not arise from any doubt in any of the Fathers as to the supernatural power of the Sacrament; all are agreed, that where it may be had, it is *the way of Christ* for uniting us to Himself: but while the majority, with S. Augustine, encourage us to hope that even hypocritical receivers may by-and-by have the full blessing of the Sacrament, if their hypocrisy give way to true Penitence,—like a sealed vessel plunged in the deep ocean, into which, should the seal be broken, the waters will presently find their way,—a few, with S. Cyril of Jerusalem, use such severe sayings as to make one apprehend that they considered the case hopeless, too near an approach to the sin against the Holy Ghost, to admit of any penitence, any comfort at all. An exaggerated view, no doubt; but such as to show that if we, according to our profession as Anglicans, really follow the Fathers, we shall rather err on the side of over-stating than of disparaging the awfulness and greatness of the Sacraments.

We pass over Archdeacon Sinclair's criticisms, which may be

safely left in the hands of the Bishop of Exeter. But a remark has been made in a far different quarter, which we can by no means pass over. It is complained that though the Synod may have sufficiently enunciated the true doctrine of Baptismal Regeneration, it has failed altogether in that which, under the circumstances, is the main point,—it has not borne the witness which was required and expected from it, to the *necessity* of believing that doctrine. It has declared the right faith, but has not enforced it as fundamental; as if (so we have seen the case stated) it had been proposed at Nice that Athanasius and his friends should affirm the Creed in their sense, Arius and his friends in theirs, and that both should go on as members of the Church,—this (it has been alleged) would be parallel to the proceedings at Exeter.

Now, this complaint may mean either that the Bishop and his Clergy have not in terms affirmed their doctrine to be not only true, but essential: or it may mean that they have not followed up their affirmation with an Anathema. The former would be an error in doctrine, the latter in discipline.

But really, in regard of the former complaint, we are at a loss to understand how any one, diligently or even cursorily reading the Synodical statements, could bring such a charge against them. Surely, what men say they hold ‘of faith,’—as part of their Baptismal Creed,—that they profess themselves to account necessary and fundamental. If we accept the Exeter Declaration, we are not more pledged to the necessity of believing in One God, than to that of believing in Baptismal Regeneration. This is so evident, that we must understand the other point—the absence of an Anathema—to be the true and sole ground of the complaint. And this we hope to discuss presently, when we come to inquire whether the Synod has done anything for us in respect of Communion with heretics.

But we should be doing them injustice if we dismissed the topic of doctrine without inviting our readers' particular attention to the *wording* of this part of the document. The expressions appear to us to be chosen with great care, and if well considered, to be very instructive, and such as may help many persons to regard the whole subject in a broader and truer light than as yet they have been accustomed to. The Synod holds of faith, that all persons duly baptized, and not putting a bar in their own way, ‘are not only baptized *once for all*, but are also ‘baptized with the *one true Baptism* of Him Who baptizeth with ‘the Holy Ghost.’ Thus speaking, it points out that the leading idea in the Apostolical phrase ‘One Baptism,’ is not simply that each person can be baptized only once, as the Judicial Committee and Archdeacon Sinclair suppose, the one with excusable,

the other (we had almost said) with inexcusable, shallowness :—but it is this, that Baptism is one and the same gift to all ; the same form, the same matter, the same Spirit, the same Baptizer; for whoever be the outward and visible instrument, it is Jesus Christ alone who baptizeth with the Holy Ghost. This is S. Augustine's great topic, which he urges continually and triumphantly against the Donatists; and this is why that dangerous sect was not only in error, but in heresy, namely, because they denied the proper *Oneness* of Christian Baptism, maintaining in effect that each one who ministered in the Sacrament was a separate baptizer, and had his own Baptism ; for this was implied in their notion that the Baptism of wicked ministers is no Baptism. The Creed, therefore, by acknowledging One Baptism condemns the Donatists, as it condemns the Pelagians by declaring that one Baptism to be for the remission of sins ; which saying, as the Synod of Exeter has pointed out, in words borrowed from a far more ancient Synod, that of Carthage in 418, would be made false and unreal, if original sin be not remitted in Infant Baptism. It is true, the error condemned at Carthage was not the very same with that disowned at Exeter : Pelagius's point being, that infants had no original sin to be forgiven ; Mr. Gorham's, that it could not be forgiven in Baptism : but the ground on which the former was condemned, viz. its making the form, '*For the remission of sins*', unreal, evidently belongs just as much to the latter. And it is very curious, that the other section of those who feel and act with Mr. Gorham—whereof Mr. Goode appears to be the most prominent living champion—is even more exposed than Mr. Gorham to the censure passed on those ancient heresies ; for Mr. Goode, we believe, makes the grace of Infant Baptism to depend on the acceptable prayers of those who present the child, or of the minister, or others interested: so far, with Donatus, denying the Sacrament where the minister is unworthy : so far, again, with Pelagius, unscripturally limiting the free grace of God by something dependent on human exertions.

There seems to be something peculiarly instructive and consoling, yet full of significant warning, in this providential adaptation of the old formulae of condemnation to our unhappy modern heresies : for we may call them 'heresies,' since they contradict the Creed, though we would be far from calling all their maintainers 'heretics,' since there are so many who have never had due admonition.

Thus much for the doctrinal *substance* of these Synodical statements. As to the manner of them, it seems to us particularly happy in a sort of charitable skill, shown in the drawing up of the statements, and in the words of caution which ac-

company them. For example, what a beautiful piece of Mosaic (so we have heard it called) is that wherein the whole chain of baptismal privileges, specified in the Catechism, is shown to be suspended on the ‘One Baptism for the remission of sins.’ ‘Mosaic’ was the word, because of the dexterous yet reverential assemblage of texts, all converging to the same point.

‘We hold, as implied in the aforesaid Article of the Creed, all the great graces ascribed to Baptism in our Catechism.—For, “by one Spirit we are all baptized into one body,” even the Body of Jesus Christ; we are made to be “His Body,” “Members in particular” of His Body, “MEMBERS OF CHRIST.” And being thus “Baptized into Him, we were baptized into His death,” Who “died for our sins,”—we are “dead with Him”—“dead unto sin”—“buried with Him in Baptism, wherein also we are risen with Him,” “quickened together with Him,”—“made to sit together in heavenly places in Christ Jesus;”—“our life is hid with Christ in God.”—Believing that the Holy Ghost so joins us in Baptism to Jesus Christ, that we are “in Him,” “created in Christ Jesus,” we believe also that we are CHILDREN OF GOD in Him; and “if children, then heirs, heirs of God, and joint-heirs with Christ,” INHERITORS OF THE KINGDOM OF HEAVEN.’

This orderly and thoughtful interweaving of the words of Scripture is one among many things in these Acts which remind one of the old sacred Synods, in whose proceedings nothing is more noticeable than their care to establish whatever they affirm, as of faith, by express words out of canonical Scripture: nothing more admirable than the wisdom and charity with which they select and apply those words. And we will observe, by the way, that this agreement in tone, between the elder and the recent bodies, came not of any formal set imitation, but of the same mind and temper, which we will call the true ecclesiastical instinct, animating both, unconsciously. Here is another reasonable ground of hope that this Synod, as well as those, was indeed ‘in Spiritu Sancto legitime congregata.’ The absence of direct imitation is evinced by certain omissions, which, on other grounds, we might be tempted to regret. The Holy Gospels were not visibly and solemnly enthroned, as it were, in the midst of the assembly; the Nicene Creed was not recited; there were no acclamations but that one impressive Amen, by which the whole assembly responded to their Bishop’s thankfulness to Him who had made them unanimous in declaring the Faith: and other instructive and touching rites might be mentioned, which a lover of antiquity might have longed for, as visibly linking these our modern doings to the days of Athanasius and Cyril. But in this, as in some other Church Services, no doubt, the very completeness of the æsthetic effect might have damaged more or less the reality of the proceedings.—The memory dwells with more satisfaction upon what was done, by a kind of instinct, analogous to the

old ceremonial, than as if the several portions of it had been elaborately and carefully repeated: it is, of the two, by far the more trustworthy token of our identity with those with whom we most desire to be one.

By these and other tokens of reality, as well as by their large and reverential use of Scripture, we cannot but hope that the Synod will in due time obtain a favourable hearing from those, to whom it so particularly addresses its charitable explanations,—those many, who meaning to be sincere and earnest Churchmen, are scared away from Church doctrine through fear of some formalism or self-reliance, which they apprehend in the tenet of Sacramental Grace. What pains have been taken during these anxious months to find some mode of uniting with these good persons—to construct some *formula concordiae* which we might all sign, and which might prove to the world that our differences are not, and have not been, so really vital and essential as some imagined; and how sadly these pains have failed hitherto—was known to many: but it was not so well known that the great body of those who are called High Churchmen sympathised entirely with those efforts: there might still be a kind of suspicion felt, that the proposers of the *formula* spoke only their own private sentiments. Now this suspicion, of course, is effectually obviated by its appearing that the whole Diocese of Exeter is of the same mind—is careful so to hold Baptismal Regeneration, as not to impair, but to deepen, its sense of the need and value of real Conversion. To this subject, in particular, attention was called in the Sermon at the opening of the Synod, and again by the preacher in his speech on the second day. In the Sermon Mr. Hole considers, as we have already noticed, that the fears of those who had protested against the Synod sprang not from a heretical mind, but ‘from zeal and earnest feeling, and jealousy for truth and peace supposed to be in jeopardy.’

‘One word there is in our text, which you must have observed that I have passed by, but only that it might be the last spoken of, and leave its own sweet influence, fragrant as the incense from the golden altar, upon us all. “Hold fast the form of sound words,” but, hold it, said S. Paul, “in LOVE, which is in Christ Jesus.” Love, which draws us unto Him who was crucified for us, who is our Life and Hope,—Love, which binds us unto one another for His sake, in obedience to His word, as members together of His body, joint partakers of His Holy Spirit,—Love, which is the only healer of all breaches, without which, the eloquence of angels would be a tinkling cymbal;—faith that could move mountains, of no account;—nay, the giving even the body to the flames would be a bootless sacrifice. Let us draw near unto our Lord, in His own holy ordinance, and, having in remembrance His exceeding great love to us, let us with united fervent intercession, beseech Him to pour out upon His Church His Holy Spirit of light and love.’

In accordance with these sentiments, the same earnest voice

was heard again the next day, congratulating the Synod, that—

‘in this Declaration we lay the foundations, and confirm them, of the doctrine of Baptismal Grace, but we take also occasion by God’s blessing, to bind together the hearts of those who are separated from us, not in reality, but as we are assured, by misconception.’

And again :—

‘That they had not confined the Declaration to the elementary principles of Baptismal Regeneration ; but shown an earnest wish to impress upon all Christians, that all these high doctrines of Baptismal Grace do not disparage the need of conversion and amendment to thousands and millions of our brethren.’

And once more :—

‘Let me allude to one great and important section of the Church of England. It is the firm belief in the minds of many, that if they to whom I allude did but apprehend that the true doctrine of Baptismal Grace does not exclude their great point, viz. the doctrine of Conversion, they would come in as one man, and all say, “ We are brethren together, and though there is a cloud that has separated us very lately, by God’s mercy it will be cleared up.” Sometimes I have thought, I confess, that we were destined to die in that cloud, but I trust better things now.’

Oh, why should the persons in question, full as they are, very many of them, of all amiable qualities, and ready, no doubt, to sacrifice all for their brethren,—why should they be so slow to accept this tender and loving challenge, offered to them not now by one or two whom they might hesitate to trust, but by an ancient and famous Church speaking synodically—the ministers of love fresh from the sacrament of love, uttering from the heart the words of love? Is it so very plain, that this is a kind of movement to be put down by joining with all manner of sectarians, with cold heartless politicians, nay, with open profli-gates, in petitions to Parliament, addresses to the Queen, placards on walls, and all the daring liberties of the press?

To speak only of the theological aspect of the case: surely it is high time for those among us who are jealous, religiously jealous, of the doctrine of Sacramental Grace, to consider calmly from what their jealousy arises. If, as we have been led to believe very generally of them, it was dread of formalism, dread of a low standard, surely the explanation now offered will at least be taken by them into respectful consideration. If that be denied, will they not give reason to fear that a very different feeling, unknown to themselves, may lurk at the root of their scruples,—the feeling which made Naaman shrink from the waters of Jordan, and the Capernaites wonder how life should come by the flesh of the Son of Man: an unwillingness to acknowledge the Lord’s working in instruments seemingly so weak and unworthy, and to the natural man so improbable? and will not the

same feeling, carried a little further, bring doubts and disbelief on the Incarnation itself? and then we know what is written: ‘Every spirit that confesseth not that Jesus Christ is come in the flesh is not of God: and this is that spirit of antichrist, whereof ye have heard that it should come: and even now already is it in the world.’ The histories of the foreign Protestants, and of our own Church during the last century, show too clearly that warnings like this are in point; the real great struggle between faith and unbelief, in these our latter times, has all along turned upon this question, Is your watchword *Verbum Dei* or *Verbum Deus*? Are men to be saved by teaching of God’s truth, affecting their minds as true and good philosophy might do; or by transformation and actual union with the Son of God, incarnate to this very end, that He might first give Himself for us, and afterwards give us Himself? All depends, in our present controversy, upon the answer to that one question. Those who deny Sacramental Grace, if consistent, must accept the former alternative; those who acknowledge it, are pledged to the latter.

Now God forbid that we should accuse Mr. Gorham, or Archdeacon Sinclair, or the religious persons who act with them, of consciously disparaging the doctrine of union with our Lord: but as they are constantly charging us with unintentional Romanism, so they must pardon us if we say of them that their principles, carried out, would in effect deny that doctrine; they would leave nothing supernatural, nothing miraculous, in the condition of a Christian man on earth: they would make the great Pentecostal gift nothing at all to ordinary Christians, except in the way of evidence: they would reduce us, in all but knowledge, to the condition of ‘the heathen, the families of the countries,’ so that for us ‘to serve wood and stone,’ the world and the flesh, would be a light thing in comparison. This is the real drift of their teaching, as it acts, not upon a guarded and happy few, but upon the average sort of men, women, and children in our parishes; and the sad fruits of it will be more and more seen, as the doctrine of the Synod of Exeter, the doctrine of union with Christ through the Sacraments of His Church, is more and more discredited and put down. What the end will be, who can tell? but we humbly trust, that in the worst possible event—that of the two opposing tides, Protestantism after the fashion of the Judicial Committee, and Roman Catholicism with its impossible terms of Communion, sweeping over the whole land,—there will yet be an island of refuge, a remnant of the true Anglican Church, to which, in the great infidel reaction which is sure to ensue, our children, or our children’s children, or our later posterity, as the case may be, will have the

chance of resorting : and then will be known the full value of the Synod of Exeter and its doctrinal statements.

We may observe, moreover, that those statements have an use, and a very material one, over and above the special doctrine which they inculcate: they ground themselves on the Catholic authority, the authority of Scripture and of the Holy Universal Church; thereby tacitly, but very effectually, disclaiming for this our Church of England one of the worst scandals which the Gorham judgment had brought upon it—the imputation, namely, of having discarded Primitive Tradition as an index of sound doctrine. One of the most offensive circumstances in that singularly unhappy document was its omitting all mention of Catholic consent as a standard of orthodoxy; though it ostentatiously professed ‘not to swerve from the old established ‘rules of construction, nor to depart from the principles which ‘have received the sanction and approbation of the most learned ‘persons in times past, as being, on the whole, the best calcul-‘ated to determine the true meaning of the documents to be ‘examined.’ Was it not then, one naturally asks, ‘an old established rule of construction’ in dealing with the formularies of the Church of England, that expressions otherwise doubtful should be so interpreted as the whole Church has always interpreted them? What then becomes of the saying, ‘The Church has authority in controversies of faith?’ What of the enactment in the Act of Submission, That the then existing Canons, not repugnant to law or prerogative, should continue in force ‘till otherwise ordered or determined’ by a certain authority which has never yet ordered and determined them? What of the principle which has received ‘the sanction of the most learned persons’ among us from Queen Elizabeth downwards, ‘Nothing to be taught to be religiously ‘held and believed by the people, but what is agreeable to the ‘doctrine of the Old and New Testament, and collected out of ‘that very doctrine by the Catholic Fathers and ancient Bishops?’ It will be a hard thing, we fear, to persuade the law students of other generations, who shall cast their eyes over that famous Judgment, that all these authorities would have just gone for nothing, would have been ignored as giving no help to the interpretation of formularies supposed ambiguous, if it had been felt that they told in the opposite direction—that they encouraged the latitude which somehow found favour in that day. However, ignored they were altogether, and the very principle of Primitive Tradition with them: and the whole matter treated as if the Gospel had been first preached here by Henry VIII. in or about 1536. Certainly it was and is most extremely scandalous, and we have unhappily too good reason to believe,

that one of the greatest losses, humanly speaking, which the Church of England has had to sustain in consequence of that very discreditable decision, was due in no small measure to this particular circumstance—the absolute omission of all reference to Church authority and Catholic tradition. Now this scandal is *pro tanto* abated by the Exeter Declaration. We praised that document just now for its skilful and reverent way of pleading the words of Holy Scripture: we would here express our thankfulness for the deference paid in it to sacred antiquity.

The general doctrine, in the first place, is affirmed, as it is authoritatively set forth in the Nicene Creed by the Second Ecumenical Council, has since been held by the Catholic Church in all ages, and is taught unequivocally by our own Church in its authorized formularies. Then, both the special application of the doctrine to the case of Infant Baptism, and the repudiation of the special error opposed to it, are guarded by references to antiquity as well as to our own Prayer Book: and in the latter case the reference to antiquity, though tacit, is exceedingly important. The hypothetical imparting of grace in Baptism is there disallowed, on the ground that ‘in cases in which the conditions do not take place, both the form of Baptism itself, and the article, One Baptism for the remission of sins, must be understood not as true, but as false and unreal.’ Now most of our readers will know, but some may not, that this latter clause is a tacit reference to antiquity; not however, to any single Father, not even to S. Augustine himself, but to an ancient Council, in which S. Augustine was present. This Council was held in the year 418, thirty-seven years after the great Council of Constantinople; by which time the additions made by that Council to the Creed had been received and were thoroughly well-known in the extreme West. The history of the Council is remarkable, and very much to the purpose in these our times, in more respects than one. The heresy of Pelagius, which consisted, as every one knows, in the denial of Original Sin, and of the entire helplessness of nature without grace, was just then making way, and had received a certain degree of countenance from the Bishops of Palestine. The African Bishops, whose rule it was to hold yearly a Provincial Synod at Carthage, took up the cause, being invited to do so by a letter from S. Jerome to S. Augustine, and moreover feeling themselves especially interested, because Cœlestius, Pelagius’ most active supporter, had been a candidate for the priesthood among them, and there had first incurred censure for his heresy. They decreed accordingly an anathema against both Pelagius and Cœlestius, and communicated it to the Pope of that time, S. Innocent, first of the name, a very wise and ener-

getic person, from whom they met with full concurrence; for he suspended both heretics from the ministry and from communion, until they should have made full retraction. This passed in the years 416, 417; and soon after, S. Augustine obtained a copy of the Acts of the Synod in Palestine, which had seemed to favour Pelagius, and found to his great relief, that, as he before had hoped, that Synod, though it had acquitted the person of Pelagius, had clearly condemned his errors. But by the time the African Bishops had assembled for their annual Synod, in the following year, the face of things had materially altered. S. Innocent had died, and Zosimus, a far inferior person, was Pope in his place; with whom Coelestius in person, Pelagius by writing, had so far prevailed as to obtain letters from him to the African Bishops, blaming them somewhat rudely for what they had done, and implying of course that his predecessor had erred in judgment, at least as to the persons, if not as to the doctrine. These letters arrived about the first of May, when the African Bishops were assembling: but it does not appear that their proceedings were much affected by them. They promulgated in full Council eight or nine Canons against this new heresy, which were presently confirmed by the Pope, (who saw fit now to change his mind,) and received throughout the Christian world. The second of those Canons it is, to which the Synod of Exeter refers, as it had before been repeatedly referred to in this controversy.

'The Council of Carthage,' (says Mr. Hole, p. 20,) 'strikes with its anathema such as said, "that infants were to be baptized for the remission of sins, yet derived no sin from Adam, to be cleared by the Laver of Regeneration; whence it would follow, that in their case, "forma baptismatis in remissionem peccatorum, non vera, sed falsa intelligatur." For, say the 214 Bishops then assembled, referring to the Apostle's words, (Rom. v.) "they must be understood in no other sense than that in which the Catholic Church, spread over all the world, has understood them: *propter enim hanc regulam fidei, etiam parvuli, qui nihil peccatorum in semelipsis adhuc committere potuerunt, ideo in peccatorum remissionem veraciter baptizantur, ut in eis regeneratione mundetur, quod generatione traxerunt.*"'

Evidently the principle, or major premiss, on which the Council proceeded, is this, 'Whatever doctrine implies the un-reality of a Sacrament duly administered, is heretical:' and no less evidently does this description apply to the theory of Mr. Gorham, and to all other theories, which make the virtue of the sacrament depend on any tacit hypothesis. If Pelagius contradicted the Creed, and therefore incurred censure, because he said, Infants having as yet no sin could not be truly baptized for the forgiveness of sins, surely these modern teachers contradict it no less, who though they acknowledge original sin deny that it is remitted in Baptism. If it be objected, that the framers of

the Creed were not thinking of this modern tenet, because it was not yet invented; neither were the Fathers at Constantinople thinking of the tenet of Pelagius, which did not arise until full twenty years after: yet S. Augustine and the whole Church had no hesitation in grounding their censure of Pelagius on the words of the Creed of Constantinople, which they saw was providentially so framed as to include his error.

We know not how others feel, but to us there is an unspeakable satisfaction in being thus permitted occasionally to trace in Church history, as in Scripture, the mysterious bearings of one event on another, the unimaginable relations of things afar off:—

‘Oh that I knew how all thy lights combine,
And the configurations of their glory,
Seeing not only how each verse doth shine,
But all the constellations of the story:
This verse marks that, and both do make a motion
Unto a third, that ten leaves off doth lie;
Then, as dispersèd herbs do watch a potion,
These three make up some Christian’s destiny :’

or, as we may well read it, ‘some *Church’s* destiny.’ Who knows but that on the labours and prayers of S. Augustine and his brethren at Carthage, in 418, might depend the destinies of this our English Church now, in 1851, and in the years that may follow? The African Church has disappeared; the English Church, in God’s inscrutable Providence, may be doomed to disappear also; and yet, by His mercy, the doings and sufferings of those who are faithful in their generation will not be lost. At some unthought-of interval their effects will reappear, like stars that seemed to be extinguished. Happen what may, we dare not, and, by God’s help, we will not despise.

And here, where our watchword, so to speak, is *teraciter*: (for in this whole controversy Reality—the ‘truthfulness’ of the Church, as Mr. Hole happily expresses it,—was clearly the one idea which was uppermost in S. Augustine’s mind, occurring continually in his exhortations and arguments, and made, as we have seen, by his instrumentality, most prominent in the Church’s decision on the subject:)—something may not improperly be added, of the solid, real, English *tone* of the doctrinal formula adopted at Exeter: how, by its historical reference, the Synod indirectly justifies and explains its own subsequent appeal to an Ecumenical Council: what true and strong practical grounds it alleges for the earnestness with which the question has been taken up. For if the tenet of sacramental renewal have indeed the bearing here affirmed on conversion and amendment—and certainly it seems *prima facie* but plain

common sense to say, ‘Baptismal grace binds us to do that which it enables us to do,’—then it is felt at once how **SOULS** are concerned in this matter; how that our earnest anxieties and contentions, our long-continued grief and fear, our wistful looks turned hither and thither for aid, the alarms we have sounded, and our combinations more or less irregular—all these come not of jealousy concerning clerical prerogatives, nor of a longing to complete and round off an ecclesiastical theory, nor even of tenderness concerning any single point of Gospel truth, separately considered; but really and truly of a wish to save our own souls and the souls of our people,—a fear lest the great things which God Incarnate has done for us, and in us, should fail for want of due appreciation on our part. And yet men talk of ‘nicety of dogma,’ and ‘scholastic subtleties!’ as if the simplest old man in a country hamlet, or even a tolerably instructed child in the second class of a Sunday School, could not plainly see the difference between a system which merely teaches, and one which enables while it teaches; between saying, ‘Repent, for you have sinned against grace;’ and, ‘Poor creature, you are yet as the heathen!’ We really cannot imagine what sort of pastoral experience theirs must be, who, having to deal with death-beds, and with the inner life of sinners, penitent or impenitent, can bring themselves to treat the doctrine of baptismal grace as ‘soul-destroying,’ or damaging to consciences. Never yet have we ourselves met with any one able and willing to answer a challenge on that point, any more than Archbishop Sumner has answered the appeal of Bishop Philpotts:—

‘My Lord, I have been permitted to attain to years beyond the ordinary term of man’s life, and your Grace is not, I believe, far short of it. Both of us have, during many of our past years, been engaged in the pastoral charge of populous parishes. Now, I solemnly aver that, during the whole of that time, during all my intercourse with any portion of my own people, or others, among the many beds of sickness and death by which I have stood, endeavouring, however inadequately, to instruct the ignorant, to awaken the indifferent—aye, and to restrain the confident, I never met with a single instance of that “fallacious security” in the regeneration of Baptism, which your Grace deems so likely to “lull” the sinner, and make him heedless whether “he have really those marks which accompany a new creature.” Of that heedlessness, too many were the instances I met with, but *not one* proceeding from the abuse of the doctrine of Baptism. Will your Grace forgive my asking, whether your experience has been materially different?’

We should be disposed to extend this challenge a little further, and call upon our earnest brethren to state frankly *and considerately* whether they have not usually found men’s moral corruption *positively enhanced*, and their sense of it, when they *did* begin to feel, deadened and impaired, by inadequate ap-

prehension of the mercy and aid which they had been resisting; whether, in short, the great stumbling-block has not been such a feeling as we once heard expressed by a conceited half-puritan father, when his attention was called to the fact that his sons were notorious liars. ‘Ah, sir,’ he said, ‘we have not all the same grace;’ and with that deep theological sentiment the matter was dismissed, and the poor boys left to lie or tell truth as they pleased.

This sort of sentiment is so common—so familiar, alas! in one shape or another, to almost every man’s own conscience—that it requires some thought to perceive the atrocity of it, and how, at the bottom, it tends to the denial of the very first principle of natural religion, God’s moral government; it is, in fact, ‘thinking wickedly, that He is even such an one as ourselves.’ But, its wrongness being once discerned, the very frequency of it makes one feel how necessary it is that the Church should be earnest and unceasing in her denunciations of it. It is no extravagance of dogma, it is plain common sense, to speak as she has lately done at Exeter. And the plain common sense of the proceeding, rightly understood, gives perhaps the best chance of its eventually commanding the assent of our people, generally quick in detecting shams and incongruities, and proud, in a way, to patronise what is downright and straightforward.

For this, among other reasons, it is matter of thankfulness that the Declaration of doctrine has referred so pointedly to the Catechism, and brought out so clearly the fact, that its statements concerning Baptism are but the development of the formula in the Creed. It will take, we imagine, a good deal of time and trouble, and more subtlety than even the most eminent of our crown lawyers possess, to satisfy our honest labourers, and tradesmen, and farmers, either that the Catechism does not contain the doctrine of Baptismal Regeneration, or that, being in the Catechism, and therefore necessary to Confirmation, it is not made a necessary point of faith by the English Church; unless, indeed, there be some great virtue for teaching them otherwise in the term ‘instructional,’ which we observe is used by the Judicial Committee as a choice term to designate the office, which they suppose to belong to the Catechism in the system of the Prayer Book. ‘There are parts,’ they say, of that book, ‘which are strictly dogmatical, declaring what is to be believed or not doubted;’ (the very sound of the words recalls to the memory the ‘Doubt ye not, therefore, but earnestly believe’ of the Baptismal Office, which yet, according to them, is not dogmatical;) ‘parts which are instructional, and parts which consist of devotional exercises and services.’ Now, we should like well to be informed by either of the distinguished

masters of language, who are responsible for the English as well as for the law of that document, What particular force they attribute to the word ‘instructional,’ (which no doubt they had authority from Her Majesty to coin for the occasion,) whereby it may be distinguished from the word ‘dogmatical’ in the way which their argument requires? Their own interpretation of ‘dogmatical’ is, ‘declaring what is to be believed or not doubted.’ ‘Instructional,’ it seems, is not the same as ‘dogmatical;’ yet ‘instructions,’ in the common usage of the word, ‘declare’ something or other to the person instructed; they declare to him what the instructor would have him do, and sometimes, also, what he would have him believe; as in a certain ‘instruction’ familiar to most of us, ‘appointed to be learned by all persons’ in the Church of England ‘before they be confirmed by the Bishop.’ Are we then to understand that ‘instructional,’ in respect of doctrine, as distinguished from ‘dogmatical,’ is ‘declaring something which *need not* be believed, and *may* be doubted?’ It might seem so, for then we should be able to account for the fact, that this member of their Lordships’ division, *Instructional*, disappears altogether from their subsequent reasoning; as well it may, if it means no more than has been said. It was very well to pass so lightly over the Catechism, being an instruction, if instruction means only teaching people to affirm propositions which they need not believe, and may doubt. But, in the more usual sense of the word instruction—directing persons what to believe, as well as what to do—we are at a loss to know what difference their Lordships make between ‘instructional’ and ‘dogmatical,’ and why the ‘charitable construction,’ which they say ‘the whole Catechism requires,’ might not as well extend to the Articles, or any other sayings which they *do* please to call ‘dogmatical;’ so that, if some Article had said expressly, ‘Infants are regenerated in Baptism, one and all,’ they might still have settled the matter as they have done, just as creditably to themselves, and with just as little violence to the documents they were interpreting.

It would appear that in setting down the division, ‘dogmatical, instructional, devotional,’ the learned Committee had the Catechism in their minds, and meant, we may suppose, to treat of it in some distinct way. But what they really have done is this: they have proceeded on that division to a somewhat elaborate exposition of the distinction between ‘devotional’ and ‘dogmatical’ assertions; the sum of which is, that we must speak exact truth when we are only teaching men, but we need not speak exact truth when we are offering solemn prayers and services to God;—and then they have proceeded to apply this

distinction to the Catechism, as if *that* were a ‘devotional’ part of the Prayer Book: whereas their own statement surely required that they should apply themselves also to their other term, ‘instructional,’ and make out *why* ‘the whole Catechism’ should ‘require a charitable construction,’ any more than the Articles or Rubrics.

We fear that there is lurking at the root of all this a serious error concerning the main end of Church Services; an error implied in the explanation which the Committee gives of the word ‘devotional,’ so critical a word in their use of it. They seem to say, quoting the Act of Parliament which authorized King Edward’s second Book, ‘Devotional’ means ‘framed for the purpose of being “more earnest, and fit to stir Christian people to the due honouring of Almighty God.”’ That is to say, the chief thing in prayer is the effect on the people’s minds; not so much the obtaining at God’s hand blessings temporal and eternal, for which He has commanded us to offer Him our prayers, as a sort of sacrifice. And then, certain deviations from the truth, supposing them likely to produce the desired effect on the people’s minds, are not, in their opinion, unworthy of the Church. The Church, they think, in her solemn prayers, is so far like a popular orator, debater, or advocate, having a certain liberty to represent things otherwise than they really are, if that course appear on the whole most conducive to the good of the people. Somewhat like this, not consciously, but by a sort of instinct, must have been in the Judges’ minds, when they framed their argument from the meaning of the word ‘devotional.’

We do not, of course, charge them with dishonesty or profaneness—they were but applying trains of thought usual with them to that particular subject; but we desiderate here that high and almost chivalrous attachment to truth at all risks, which has usually been the proud characteristic of English judges: we cannot but suspect that their anxiety for what they thought the peace and welfare of the country was allowed to encroach on their dutifulness to the law, which they were pledged to administer; and this is no extravagant suspicion, since that very principle was avowed with startling earnestness and intrepidity by one, with whom they cannot think it an affront to be compared, in the case of Dr. Hampden. At all events, it is refreshing to contrast with these dry and toilsome subtleties, so like the demeanour of those who are arguing for a foregone conclusion, the tone and substance of the Exeter Declaration, and to feel sure that no plain unbiased person, who has learned his Catechism, can doubt which to prefer as a guide to the meaning of that portion, at least, of the Prayer Book. He will perceive at once that the Synod and

the Catechism are, as it were, on the best and frankest terms of mutual understanding: whereas the Judicial Committee is plainly uneasy in the presence of the Catechism, glad to cut short all conference, and to part company as quickly as possible.

So much as to what the Synod has done for us in regard of the matter most immediately pressing, the doctrine of Baptismal grace. The other article of the Faith on which we are anxious—perhaps we might be reasonably even more anxious—is that of the One Catholic and Apostolic Church, impugned in many ways, but now more especially by the notions of the Royal Supremacy, which are being avowed and encouraged by religionists and politicians of so many different shades. It is impugned, particularly, in respect of the word Apostolic. That word in antiquity was always held to imply, that the Church should be tied to the Apostles by the constant succession of her bishops, and should be governed by them, as by the Apostles, in matters of doctrine and spiritual discipline. This was always understood to be contained in the saying, ‘As My Father hath sent Me, even so send I you;’ Christ’s regal power, in spirituials, as well as His sacerdotal and prophetical, being thereby delegated, so far as it was to be visibly exercised, to the Twelve, and to those whom they should delegate, even until the end of the world. And this idea was acknowledged and reaffirmed, as able reasoners have recently proved afresh, by the Church and Realm of England in the year 1532, in the preamble to the Act for the restraint of Appeals to Rome; wherein are recognised, first, the distinction of spirituality and temporality, and then the power ‘of that part of the body politic, called the spirituality, ‘now being usually called the English Church, to declare, interpret, and show any cause of the law divine, or of spiritual ‘learning.’ This, we say, adverting to the received meaning of the terms employed at that time, cannot reasonably be understood in any other sense, than as admitting the claim of the Bishops and Clergy to declare with authority in spiritual matters, as of the temporal judges in temporal matters; the supreme authority of course reserving to itself a controlling power, to see that no injustice be done, by the encroachment of the one jurisdiction on the other; and *that* in virtue of those other words of our Lord, ‘By Me kings reign, and princes decree justice.’ And in this arrangement we see no more of what is called ‘imperium in imperio,’ in any wrong or impossible sense, than in the distinct incommunicable prerogatives of King, Lords, and Commons under the constitution of England, which also may easily be proved incompatible in theory, but in practice are thought to answer (humanly speaking) well enough. This and no other, is the idea of the Supremacy, which the Church

and Realm of England has solemnly received, and to which her bishops and priests stand pledged by their awful ordination vows. The encroachments which have been made at various times since, by Act of Parliament or otherwise, have never been received by the Church; and however we may think it our duty in matters not absolutely vital to submit to them, it is no part of our oath to do so; but it is, as we conceive, part of our oath to refuse submission when vital matters are touched.

This is our view: but the view which now seems to find favour with the majority in Parliament, and perhaps of the ten-pound voters, is that which claims nominally for the Queen, but really for the said majority, acting through Lord John Russell, or any one else whom they may choose to set up, the absolute prerogative of determining what shall be taught in our Churches as true doctrine, what proscribed as heresy. They are not content with the power of appointing bishops who may do this work for them; they claim to do it less indirectly, by sentence of lay judges appointed by the Minister of the day. It is all very well for Lord Lansdowne, Lord Campbell, and the rest, to disavow the right of deciding on doctrine; but they disclosed their real thoughts on the matter, by exclaiming in the same breath against the extravagance of giving the Bishops the same jurisdiction which the Privy Council now has, *because it would put the doctrine of the Church under their control.* In lay hands it was nothing; in episcopal hands it would be a complete inquisition.

It ought not, we think, to be accounted invidious, if we quote the sentiments of the present Dean of Bristol, as containing in substance the opinions and aspirations of the so-called advocates of the Supremacy at this time. Dean Elliot's theory of the Supremacy, and account of the English Reformation, is this:—

‘Attempt is being made to persuade you that God has appointed a visible Church, with a prescribed polity, power, and authority, and that this Church ought to be received of men, because of this appointment of God; and that the Church which the people of England have established is that Church; and that the people of England did establish that Church, because they believed it to be the one which God had appointed.

‘But this is not so. The community of England does not recognise, in the details of any existing Church whatever, specific institution or ordinance of God. It denies that any Church of peculiar polity or power is authorized by God to demand its establishment or recognition. And when the community of England framed its Church, it both asserted its own right to do so, and denied the claim of any visible form of Church as being divinely instituted.

‘No notion is more false or foolish than that which would devolve to (*sic*) the Clergy the duty of either framing what should be the formularies of faith in any Church, or of interpreting them.’—*Preface to Sermons*, pp. xxiii. xxiv.

And in a panegyric on some whom he does not name, of 'the greatest men of England,' he praises them for 'acknowledging no authority, either of office or of doctrine, but what the people in their assemblies conferred or sanctioned.'—P. xxii.

This is the modern theory of the Supremacy. This is the interpretation of the One Catholic and Apostolic Church, which, judging by a certain affectionate correspondence lately published,¹ wins special confidence in those places where the Exeter Synod is most unpopular.

Now although these exaggerated notions of the Supremacy were not expressly brought before that Synod, its proceedings are, in fact, a strong virtual assertion of primitive truth in that respect.

We will briefly set down a few important propositions, to which we suppose that all whose names are on record as members of that Synod, and all who shall hereafter assent to its acts, will have committed themselves.

1. *It is, in some sense, a special right and duty of the Bishops and Clergy of the Church, to consult and pronounce touching questions of doctrine.* This is implied in the very fact of the Synod's meeting to declare the doctrine of Baptism.

2. *They are not precluded, here in England, from pronouncing a decision on a point of doctrine contradictory to one virtually pronounced by the Queen in Council.* For they have declared it to be 'of Faith,' i.e. necessary to be believed, that all infants are regenerated in Baptism: whereas her Majesty in Council has ruled, that it is not against the Faith of the English Church to say, that 'in no case is regeneration in Baptism unconditional.'

On this point, we may say in passing, we are constrained to differ from that distinguished Layman, who has so ably and dutifully endeavoured to mitigate the scandal of the Gorham judgment, in his two unpublished 'Letters to the Bishop of Exeter,' we are constrained to differ from his view of the harmlessness (not of Mr. Gorham's own opinions, but) of those attributed to him by the learned Committee. One of those opinions is that just quoted,—that 'in no case is regeneration in Baptism unconditional'; the sting of which proposition the Layman in his first Letter, (p. 9,) endeavours to take out, by alleging that an orthodox person might affirm it, meaning the condition to be that of worthy reception, and holding that all infants are worthy recipients. But, with submission, we can hardly imagine such a construction being put on those words: and for this reason, that they form in the Judgment, more clearly than as the Layman has quoted them, a qualification or

¹ Between the Dean of Bristol and the Plymouth Reformers of the Prayer Book.

exception to the former sentence, ‘Infants baptized and dying before actual sin are certainly saved: *but* in no case is regeneration in Baptism unconditional.’ ‘In no case’ not even in the case of infants. There must be something besides being an infant, and baptized, to make their regeneration sure. We do not see how it is possible to evade this construction; and this being so, we are compelled, though with hesitation, and, for many reasons, against our will, to decline the relief which this criticism might afford us.

In another part, again, of Mr. Gorham’s statement as warranted innocent by the Privy Council, the same high authority seems to us to have exceeded in candour. The Judgment represents Mr. Gorham as saying that ‘*the* grace,’ i.e. manifestly the grace of regeneration, which had been mentioned just before, ‘may be granted before, in, or after Baptism:’ and the Layman, to justify this, produces passages, which prove only that ‘grace’—not *the* grace, but *some* grace—may be given before, as of course it may after Baptism.

We venture on these few remarks, not, we trust, in any captious spirit; but it seems to us better on every account to look our difficulties fully in the face, and not to take up with solutions, sufficient, perhaps, so far as those difficulties are technical, but in no degree touching the real grief of our case. With great respect, we will own that we felt a scruple of this kind on one passage of the very thoughtful Sermon which preceded the opening of the Synod.

‘In entering,’ says Mr. Hole, ‘on the consideration of the one point which I am submitting to you to-day, we shall not, I trust, “present an example of resistance to a solemn adjudication of the law unbecoming our position as ministers of religion;” for upon that one point (I humbly state it as my conviction) the law has not spoken,—as indeed, it being a matter of Faith, it was not competent to speak, having, “in controversies of the Faith, no authority.” Upon that one point, no solemn adjudication has been made. It was pressed, indeed, in the pleadings, but passed by, wholly unnoticed, in the judgment given. It is a matter of theological correctness or error of doctrine, upon which the Judges of the Appellate Court expressly refrained from pronouncing an opinion.’—Pp. 14, 15.

We are a little jealous of something unreal here. Surely the Judgment, how guarded soever in manner, *does* in substance touch the faith—touches it in that very point, of which the accomplished preacher is speaking, and therefore, though not in terms, yet in substance, the Judgment is contradicted, and so far resisted, by the Declaration of the Synod. It is a case of ‘speaking of God’s testimonies even before Kings.’ It is a case in which Caesar has been (more or less, we verily believe, unawares) taking to himself the things of God, and the Synod has interfered, to claim them back for God. Happily there is

as yet no law of the land to check what the Synod has done; but had there been such a law, the Synod's duty would have been to do in substance just the same, for the law cannot supersede their ordination vows. The gentlemen who are crying out so loudly about violation of the law, infringement of the Prerogative, breach of the Oath of Supremacy, and the rest of it, know this very well, and would act on it in their own case. If there should ever be what they would call a Tractarian Sovereign and Ministry, and the Court of Appeal were to lay down the law in favour of that school as now against them, on any point which they consider vital, would they still go on declaring it undutiful but to complain of that court? Would they not remonstrate and (if you will) agitate, and say plainly, We ought to obey God rather than man? We have by far too good an opinion of their earnestness to doubt that this is the line which they would take.

We wish them a speedy probation on this matter, feeling confident that they will so act as to justify us in our present modified resistance. We wish it, as for other reasons, so especially because then, humanly speaking, we should be sure of obtaining a re-adjustment of our law of appeal in matters of doctrine. It has been said, with more point than good nature, that we should have heard no complaints of the constitution of the Judicial Committee, if it had given sentence against Mr. Gorham. The suspicion is a very natural one, but it is contradicted by facts. Before the decision had taken place, and at a time when there was much hope that it would affirm that of the Court below, the persons, or many of them, who signed the Resolutions of March 1850, had had one or two anxious meetings, and were beginning to take measures for remonstrating against the composition of the Court; and the first Number of Mr. Keble's *brochure*, called 'Church Matters in 1850,' was published before the judgment, and argues about it as a complete uncertainty. These facts ought, as it seems to us, to satisfy persons that the objection to the Court is a real and serious objection, not a mere after-thought. But we are digressing too far.

3. The third proposition touching the Supremacy, to which the Exeter Synod may be said to have committed itself, is reducible perhaps to the following terms:—*The Bishop of Rome, by violation of sundry Canons of the first four Ecumenical Councils, has lost any claim to jurisdiction which he ever may have had in this realm.* On which subject are to be marked especially the exact references to the several Councils, quite in the manner of antiquity; and the care thereby taken to show how much we make of Primitive Tradition,—how really and truly the cause of the English Church claims to be that of the Church of the Fathers.

4. A fourth proposition, less directly, yet really, implied in the Synod's Declaration against Rome, may be stated as follows:—*The degree of deference shown to State authority by the first four Ecumenical Councils, or any of them, was not such as to cause them to forfeit their proper authority as Supreme Councils of the Church.* A statement which may be found of no small use in times like ours, abounding in what we may call points of rude contact between the Church and the State.

5. The fifth and most important of all is,—*The true and only supreme authority, without appeal, in all matters of doctrine, and of discipline purely spiritual, is a free and lawful Synod of the whole Church, duly accepted by the Church Diffusive: and so long as such a Synod for any reason may not be had, the matters must continue in abeyance, and the parties virtually under appeal to it.* We cannot express the satisfaction it gave us, to find so considerable a portion of our Church taking up this special ground of Appeal to an Ecumenical Council, as in defence against Rome: the one proper ground, as we have long thought, on which we ought to consider ourselves standing: the chosen ground of our greatest divines of old—both of Cranmer and of Bramhall, both of Reformers and of Laudians: tenable ground also, be it observed, as against all other ecclesiastical usurpations, errors, heresies, violations of discipline; for all were intended to be ‘told to the Church,’ and to be corrected by the Church’s use of the binding and loosing power which our Lord gave her for this very end: and what is the Church, in the last resort, but an Ecumenical Council, accepted by the great body of Christendom?

‘But the thought is so Utopian, so visionary, so utterly unreal.’ Are you quite so sure of that? consider; you would have deemed it quite an Utopian scheme, some two or three years ago, had any one spoken of gathering but one of our Dioceses into a Synodical meeting, with such an approach to unity as has now been vouchsafed. And though the end may be to each one of us for ever so many generations afar off,—though it should not be in the Divine counsels to allow it ever to be realized on earth,—still the *moral effect* of seeking it in heart, wishing, praying for it continually; the effect on the edification of men, and the salvation of souls, may be very great. Have we not often known of cases, in which a deep attachment to some object felt to be far out of reach, has yet had power to leaven, as it were, the whole heart and life of the person feeling it with an ennobling and purifying influence, and has made him capable of greater things than could otherwise have been expected of him? And again, there are minds so constituted that they cannot be at all happy in their position, without some theory to explain and justify it: and the notion of being under appeal

may at least be welcome to some of them, as furnishing such a theory,—if not thoroughly established, yet so far probable as to enable them to work on quietly and thankfully, with a reasonable hope that they are in a safe way. At any rate, a high standard gives the best chance of a happy progress.

'Sink not in spirit: who aimeth at the sky,
Shoots higher much than he that means a tree.'

But the great point is, that high or low, this is *the aim appointed for us*,—the divinely ordained way to doctrinal Truth and Unity. We must believe it, if we at all allow consenting Antiquity as an interpreter of Scripture.

Besides these propositions, which all tend more or less directly to the disavowal of spurious supremacies and assertion of the true, we should suppose that those adhering to the Exeter Synod must feel that they have publicly pledged themselves, in their several spheres, to banish and drive away that error especially which the Synod emphatically disowns;—to drive it away, not the less on account of the temporary encouragement which the present administration of the law gives to it. The Bishop, for example, has publicly declared, that come what may, he will not give cure of souls to persons deliberately maintaining Mr. Gorham's opinion: and without specifying, one may easily imagine cases, in which the other members of the Synod, and the clergymen and laymen who may adhere to it, may incur legal inconveniences by acting on the same principle. We consider, and we trust so do they, that they have pledged themselves to incur such inconveniences, if the occasion shall arise. But this is a matter which need only just be touched on. Each man's own conscience will tell him when the contemplated case shall have arisen; as also how to act on the more ordinary occasions of assisting to obtain cures, giving testimonials for Orders, accepting clerical help, and the like, from any one openly denying Baptismal Regeneration. If they put themselves out of the way,—submit now and then to some loss or embarrassment,—in order to keep up this charitable reserve, so much the more real and earnest will their testimony prove.

'But ought they not, ought not the Synod, to have done far more? The ancient, accredited weapons of the Church were "Anathemas; awful words, armed with heavenly authority, delivering to Satan, for the destruction of the flesh, those who were far gone in sin or heresy, that the spirit might be saved in the day of the Lord Jesus. What is become of them all? Why are they not produced on such an occasion as this?'

Here the point is raised, which we have long since felt to be the chief real difficulty of our present position as English

Catholics; our continued communion with persons whom we believe, and have openly declared to be, *materially*, in grave heresy. We do not wish to underrate or disguise its importance: to say no more of it, it looks very fearful by the side of the Apostolic words, ‘Receive him not into your house, neither bid him God speed;’ or by the side of those many sayings, in which discipline as well as doctrine is enumerated among the marks of the Church: for example, in our Homily for Whit-Sunday, ‘The true Church hath always three notes or marks ‘whereby it is known; pure and sound doctrine, the Sacraments ‘ministered according to Christ’s holy institution, and the right ‘use of ecclesiastical discipline.’ Compare this with the state of things in which we are now of a long time living,—not we in England only, but as the general current of history and testimony shows, the several portions of the Church everywhere,—and it would almost seem as if the Church had ceased, as if ‘His promise had come utterly to an end for evermore.’ For be it observed, these sayings relate to other sins as much as to heresy, and the edge of them is by no means taken off by alleging, if in any case it may be truly alleged, Though other offences have been tolerated, sins against the faith, and false teaching, never have been so.

But the true answer to this miserable perplexity seems to be shortly this: that if the expressed and authorized theory of any Church sufficiently forbid sin and denounce heresy, and recognise the right and duty of visiting them with Church censures in the way ordained by our Lord, then the practical neglect of that theory, to whatever extent, must indeed be a grievous sin in those to whom it is due, but it does not, like denial of the faith or loss of the Sacraments, affect the very being of the Church. If this be granted—we have not now space to argue it—the case of the Synod of Exeter, and of those who sympathise with it, will be that of members of a community, from which they cannot separate themselves without sin, because by the hypothesis it is a real portion of Christ’s body: but neither can they without sin admit the lawfulness of certain things which they see done within the community,—seeming, perhaps, to be done by it,—but contrary to its own acknowledged, fundamental laws. And having, as a Bishop of the Church with his Priests, the sword of excommunication in their hand, it was, we suppose, open to them, if they saw fit, to proceed by anathema against the offending parties. Perhaps, too, it was open to them to waive all personal censure, and only to anathematize, in general terms, all such as should obstinately hold the heretical doctrine which they were denouncing. Or, thirdly, it was open to them to do as they have now done: to declare the true doctrine, and the

necessity of believing it, without promulgating any Church censure at all.

These courses, we will suppose, were all open to them by the law of the Church: but the first, at least if the party censured were a Clergyman, would have been, as we imagine, clearly against the law of the land—*i. e.* against the Church Discipline Act, which allows no criminal proceeding against a Clerk in Holy Orders, for an offence against the laws ecclesiastical, in any ecclesiastical Court, otherwise than as the same Act provides. Then it would be at once a question of direct breach of the law. The person charged would of course demur to the jurisdiction, and refuse to appear; and the sentence, if passed, would be passed without hearing, as in contumacy. These circumstances (to mention no more) would greatly damage the moral effect of the sentence, and render it far less effectual than a sentence of excommunication ought to be, in really separating the heretic from the society of the faithful.

Since, therefore, it was no inevitable duty for the Synod to proceed in that particular way, it ought not to be blamed for following the general principles laid down by S. Augustine, about enforcement or relaxation of discipline—which are such as these: ‘In cases of grievous and manifold dissension, where ‘it is not this or that man who is in peril, but whole commun-‘ties lie in ruin, we must relax something of strict rule, that ‘genuine charity may avail for the healing of the greater mis-‘chief.’ (Ep. 185, § 44.) Again, speaking of the first Pelagians; ‘There are more of this sort than one could expect, and ‘when they are not exposed, they seduce others with them to ‘their own sect, and multiply so that I cannot tell to what ex-‘tent they may break out: however, we had rather they were ‘healed within the body and frame of the Church, than be ‘severed therefrom as limbs that cannot be healed; if only the ‘exigency of the case allow it.’ (Ep. 157, § 22.) This, it will be observed, was a case of heretical teaching.

Further: Augustine, writing to Emeritus, the Donatist Bishop of Caesarea, of whom he had a high opinion, commends him for having borne with a very unworthy colleague, lest, if he had excommunicated that evil person, ‘he should have drawn away ‘many after him, and made in your communion a rent of raging ‘schism.’ (Ep. 87, § 4.) And the argument, by the way, is very remarkable, which S. Augustine goes on to employ against Donatism in general. That heresy, as is well known, considered the Church as having lost, not only its well-being, but its being, by an undue relaxation of discipline. And so they separated from the whole Catholic body, rather than communicate with certain unworthy persons, whom that body (very few of whom could pos-

sibly know their unworthiness) tolerated. S. Augustine therefore presses Emeritus with the question, If you Donatists thought it right to tolerate your scandalous colleague, saying that you had no official knowledge of his unworthiness, but in fact because you were afraid of making a schism in your own body, (so far we give the substance, not the words of S. Augustine,) ‘ how much more is the world of Eastern Christians unaware of the character of those Africans, whom you, knowing less of them than you do of your colleague, condemn?’ (He means that former generation of African Bishops, whom the Donatists supposed to have forfeited their orders by ill conduct.) ‘ And yet,’ he goes on, ‘ from those Churches you separate yourself by an ungodly dissension.’ You say, you had no sufficient knowledge of your near neighbour : ‘ how then could the Churches of Corinth, Ephesus, Colossæ, Philippi, Thessalonica, Antioch, Pontus, Galatia, Cappadocia, and all the other portions of the world which the Apostles built up in Christ,—how was it either possible for them to know about these (so-called) African apostates, or right for you to condemn them, because they could not know of them? And yet you communicate not with those Churches, and deny them to be Christians, and endeavour to rebaptize them.’

Methinks if he were now living, he might say to some who are now disturbing us, ‘ How is it possible for the generality of simple and poor persons in England, holding themselves by the plain sense of the Prayer Book, to be aware what heresy is taught, in charges, books, or sermons, or in letters to anonymous correspondents, contrary to the Prayer Book, by this or that Primate, Dean, or Vicar? and not knowing it, how can their communicating with the teachers of it make them heretics? And yet you call upon us to separate from their communion, and treat them as if they were not Christians. What is root-ing up the tares with the wheat, if this be not?’

We can very well imagine that considerations like these might occur to repress the earnest and no doubt natural feeling, which in such an assembly as that at Exeter might otherwise tempt many to cry out, ‘ Lord, shall we smite with the sword?’ and we cannot but think it right that the feeling, if it existed, was repressed.

The Synod, indeed, might have avoided some of these difficulties, by abstaining from censure of any particular persons, and simply adding an anathema to their doctrinal statements. For the members of it, individually, it might have been a less troublesome course at the time; but abroad, and afterwards, we can fancy its working even more injuriously. With most men the anathema would fall dead on the air, and be unnoticed, as

a mere *brutum fulmen*—a most hurtful result, surely. But to persons instructed in the faith, who would respect it, it would not come unaccompanied with much perplexity and disturbance. They would be saying to themselves, ‘Now here is a sentence of the Church; of course we must act upon it, as occasion shall arise;’ and so it would come to a case of each one determining for himself whose communion he should renounce,—which among the preachers whom he heard, or the acquaintance with whom he conversed, had made themselves subjects of the censure: and this would be no slight task, seeing that the one inquiry into Mr. Gorham’s opinions, their real bearing, and the amount of mischief comprised in them, has occupied for so long a time so many well-informed and well-meaning disputants. Then we should have to find out exactly what ‘renouncing communion’ is, and how far it ought to extend: whether it meant simply, declining to receive the Holy Eucharist where the obnoxious person was; or, (in addition,) if one were a priest, refusing to administer it to him; or withdrawing from holy services where he was present; or avoiding him also in the common intercourse of life. And again, it would have to be settled, whether such withdrawal and separation should be confined to the person himself, or practised likewise towards all, who, being aware of the circumstances, went on in communion with him. Such matters as these, one must imagine, were ordered by some well-known rule, in the days when temporary renunciation of communion was the ordinary form of protest even among lay Christians—the mode by which they drew the attention of their superiors to heretical opinions or scandalous conduct. But now, after so long disuse;—now that the very idea has vanished, except that it is now and then thought of as a mere indulgence of strong feeling,—all would be as vague and disorderly as possible, no two persons going the same way to work; and the more conscientiousness, the greater, in some sort, the confusion. In short, it is by no means a position in which a discreet and charitable person would desire, if he could help it, to place any great number of the Christian people. Better for them by far, of the two, to be told, by express synodical or episcopal decree, from whom they must separate themselves, and how far, than to have to settle for themselves whom to treat as anathematised.

We may add, that the old renunciations of communion obviously had respect to the state of things at that time, when there was a fair chance of their compelling a settlement of the question, within a reasonable time, by a Synod of higher authority; nay, if need were, even by an Ecumenical Council. There might be something unreal in hastily resorting to the like mea-

sures now, when this, their proper object, is, humanly speaking, so very unlikely to be attained by them.

The whole process, it need hardly be remarked, would be made incomparably more delicate and questionable by the existence of the Roman Communion among us. Suppose any Clergyman in Kent, last year, had thought it his duty to do as some did, when Nestorius preached heresy at Constantinople—to separate himself openly from his Diocesan's communion, until he should have set himself right in regard of this virtual denial of the Creed: evidently such a person, if he had any wrong leaning towards Rome, would have been in the greater danger from such a step; and were he never so faithful to this Church, still the offence and alarm to others, for a time at least, would have been very great.

We do not mean by all these allegations to maintain that a case for individual renunciation of communion, or for Synodical anathema, might not very possibly arise, but to give some idea of the kind and amount of difficulty which it would surely bring with it; and we cannot help hoping that we shall carry with us the verdict of all, who are not fallen into a morbid way of finding fault, when we express our thankfulness that no anathema, either upon persons or doctrines, was pronounced at Exeter.

What was done, as it was real in itself—having all the warning force of an anathema, without the evils which would have attended on that mode of proceeding,—so it was well enough conformed to antiquity. For it is no new thing for Synods, and especially Synods of a lower rank, to put forth *ἐκθέσεις*—declarations of doctrine—without guarding them by anathema. The Synods of Carthage under S. Cyprian on the validity of heretical Baptism are instances, and so are many of the Synodical letters on doctrine continually occurring. The only real and practical reason, that we know of, for wishing for an anathema, is the temporal persecution which the anathema would be likely to bring after it, and from which, as it is, unfriendly observers may say that the Synod is unduly shrinking. But neither Scripture nor reason would warrant Christian Clergy-men in wantonly provoking the world's ill usage, like raw young soldiers, for their own credit's sake.

After all, it is hard, very hard, for tender and anxious spirits, wincing and sore from the scorn and oppression of the time, not to feel some involuntary disappointment in the result of this Synod. In spite of themselves, the thought arises, ‘These are but *words*, and we wanted something *done*.’ We can but earnestly press on them the duty of not losing patience,

and beg them to consider again and again, whether the Appeal with which the Synod ends its first Declaration may not in fact prove by God's mercy to be a great thing done for us. For if it affirm our true position, the acceptance of it by so large a body of Clergy (not without great indications of sympathy in other quarters of no mean importance) is a fact; we trust a growing fact—growing in significance and usefulness, as more and more of our brethren, whether Clergy or laity, shall recognise it, and begin to shape their proceedings accordingly. Silently and instinctively the sense of it will produce more harmony, and more of what is called *point*, in our modes of promoting the Church's cause. We shall better know what we are about; we shall have something to measure our distances from. The position of an appellant is no unreal thing; it has very often to be taken by men and by communities, for years and generations together, in their temporal fortunes: nay, it has ever been, more or less, the position of the sounder part of the Christian Church, or rather of the Church itself, as against the alien powers which beset it, or have intruded on it.

We have been told, however, of late, upon high authority, that there can be no such thing as an Universal (Catholic) Church, in the sense of 'being one community on earth, to 'which all Christians are bound to pay submission, its governors 'and their enactments claiming obedience from all Christ's fol- 'lowers.'¹ From which it would follow, among other startling conclusions, that there can be no such appeal as we are speaking of, nor ever could be; that S. Augustine, for example, was dreaming, when he described the Church as a Polity, wherein the decisions of single Bishops might be checked by Provincial Councils, those again by 'Plenary Councils gathered out of the whole Christian world,' and even these last by subsequent Councils revising them.² For the distinguished writer to whom we are referring does not find his objection upon the altered condition of the world, the multiplication of separate States in Christendom, or any other external and political difficulty, but upon this circumstance, internal to the Church, and inseparable from her polity—that we acknowledge no Vicegerent of Christ on earth. His argument would tell as completely against submission to an Ecumenical Council as against the Papacy itself.

It is some kind of satisfaction in such a case to believe that one sees the *πρώτον ψεῦδος*—the hypothesis which has issued in such a destructive opinion. Is it not, first, that the Church's actual and permitted condition has been assumed to be its normal and intended condition; and secondly, that authority admitting of appeal has been assumed to be in fact no authority

¹ Charge of the Archbishop of Dublin, 1851.

² De Bapt. cont. Donatist. lib. iii. n. 4.

at all? Is it not in reality the Roman assumption, ‘If the universal Church has paramount authority, there must be a living infallible judge on earth?’ This premiss is common to Rome and to the argument with which we are dealing; only they proceed upon it in opposite ways: Rome affirming the antecedent, Church authority infers the consequent, her own infallibility; the other side, denying the latter, is of course obliged to deny the former also. But we—with the ancient Church, as we believe, and with our own two famous Archbishops, Cranmer and Bramhall—deny the assumption, holding, what seems somehow to be overlooked in the argument in question, the possibility that a divine no less than a human constitution may continue in force, though its visible action be interrupted; which would imply that the persons acknowledging it go on under virtual appeal to it, (as we claim to do,) with an intermediate and delegated, not absolute and final, authority. This limited authority, we say, is delegated to us in England by the whole Church, according to a certain constitution, or common law, by which she is guided. And we assert accordingly our claim to the people’s deference, yet still with submission to the whole Church, supposing her able and willing to control us: as the governor of any distant province has a real though limited and revocable authority, and his decrees are subject to appeal, yet he enforces them until the appeal has been heard; which may prove an indefinitely long time.

If we remember rightly, the same writer, in a letter of his on the Exeter Synod, appeared to infer, from the Synod’s not making Canons, properly so called, that it had no power at all. This appears to us very like the reasoning which emboldened Bishop Hoadly to deny Church authority, and may be met by setting down one or two passages from Mr. Law’s Letters to that Bishop:—

‘Your words are these: “As the Church of Christ is the Kingdom of Christ, He Himself is King; and in this it is implied, that He is the sole Lawgiver to his subjects, and Himself the sole Judge of their behaviour in the affairs of conscience and salvation.” If there be any truth in this argument, it concludes with the same truth and force against all authority in the kingdoms of this world. In Scripture we are told, “The Most High ruleth in the kingdom of men.” (Dan. iv. 17.) “That the Lord is our Lawgiver, the Lord is our King.” (Isa. xxxiii. 22.) Now, if because Christ is King of the Church, it must be in this implied, that He is sole Lawgiver to His subjects, it is plain to a demonstration, that because God is King and Lawgiver to the whole earth, that therefore He is sole Lawgiver to His subjects; and consequently that all civil authority, all human laws, are mere invasions and usurpations upon God’s authority, as King of the whole earth.

‘Is nobody to have any jurisdiction in Christ’s Kingdom, because He is King of it? How then comes any one to have any authority in the kingdoms of this world, when God had declared Himself the Lawgiver and

King of the whole world? Will your Lordship say, that Christ hath left us the Scriptures as the statute laws of His Kingdom, to prevent the necessity of after laws? It may be answered, that God has given us reason for our constant guide; which, if it were as duly attended to, would as certainly answer the ends of civil life, as the observance of the Scriptures would make us good Christians.'

Again:¹—

'What, therefore, your Lordship has thus logically advanced against the authority of the Church, concludes with the same force against all authority in the world. For if the Church hath *no authority* in matters of conscience, for this demonstrative reason, because it hath not *an unlimited authority* in matters of conscience, then it is also demonstrated that *no persons have any authority in any particular matters*, because they have not *an absolute unbounded authority in those particular matters*.'

The Synod, then, we may hope, and the appeal which it has made, are still realities, and we may shelter ourselves in earnest under that appeal: even as we may hope for special Divine guidance,—a real grace of the Holy Ghost,—in Church assemblies, without claiming (as seems to be suspected) for each one of them, Inspiration in the highest sense, and Infallibility.

No one pretends that the condition of an appellant is altogether a desirable and happy one; but it is our providential condition. It is our place in God's world, and we can but make the best of it. And by His grace we *shall* make the best of it, if in asserting it we bear constantly in mind, that we, our Church, and each one of us, are Penitents also, Penitents under correction: for what public transgressions, need not now be inquired; one only we may venture to specify, the neglect of godly discipline, for which the Church expressly humbles herself every year at the beginning of Lent.

Under appeal, and doing penance;—that is the English Church's place in the Kingdom of Heaven: we are not saying it of her as in comparison with other Churches, but positively: whatever other Churches are, such, we firmly believe, is our place.

And to us it is a most consoling sign, that after all our sad separations and losses, our merciful God appears to be raising up, on all sides of us, men willing and able to realize both these circumstances of our position, and to act upon them effectually. Here and there, in many dioceses, in all quarters of the globe, in all orders of the Church, persons appear to be coming forward, with marks on them, as far as man can judge, of a special call to do just that work which a Church in such a condition requires. We will not name names, but we may entreat our readers to say 'God speed' to them, one and all, from New Zealand 'round about unto' Glen Almond and Moray;—and to wish them especially two gifts, on which, as a very little consideration

¹ *Scholar Armed*, vol. i. p. 397.

will show, their success will mainly depend; a real, uncompromising *faith in Christian antiquity*, and a power of *sympathising with all sorts and conditions of men*. And for each one of them what better earthly blessing can we ask, than that which even now seems to be vouchsafed to him, whom late events, to say nothing of rank and other qualities, have made most distinguished among them—the unwearied veteran's consolation in a holy war:—a reasonable hope that, as long as he lives and acts, he may be a beginner or chief helper in such works, as the revival of Synodical action for an Appellant Church, and the establishment of Sisters of Mercy for a Penitent Church?

Οὐκ ἔστι γῆρας τῶν σοφῶν, ἐν οἷς ὁ νῦν
Θείᾳ ἔνεστιν ἡμέρᾳ τεθραμμένος.

NOTE.—We have thought it unnecessary to enter at large into Mr. Gorham's two arguments against the *legality* of the Synod. In his opinion,—however strengthened by legal authority, which, had it been good for much, would certainly not have been kept back till the Synod was held,—that it is contrary to certain Acts of Parliament, he is at issue with the Crown lawyers, whom it would be a pity not to leave in possession of that argument. And his other opinion, that a Diocesan Synod formed by representation has no validity by ancient rules, may be discussed at leisure, *when any such Synod shall profess to make Canons*. To the present occasion it would seem rather irrelevant. Mr. Gorham's opinion would be clearly untenable as to the other Councils of the Church: and this analogy, together with the equity of the case, must add considerable weight even to the few precedents which in the paucity of records have yet been produced.

NOTICES.

Such of our readers as were present at the two performances of Hymns in the Music Hall, in Store Street, in the early part of the year, under the direction of the Ecclesiological Society, will probably complain of us for not having drawn public attention to the 'Hymnal noted' (Novello) translated and arranged by Messrs. Neale and Helmore, under the direction of a committee of that Society. We have not been unmindful of it. The subject, however, of metrical hymns used during the service is one that cannot well stand by itself. It connects itself, on the one hand, with some of the dearest though recent prejudices of Englishmen,—we hardly can say, with perfect truth, of English Churchmen,—and, on the other, with the best appreciated and perhaps the most beautiful portion of catholic antiquity, and it affords an opportunity of considering what additions, vocal or musical, may reasonably be added to the printed text of the Prayer-Book, so as to fit it not merely for the daily recitation of the Priest, but for that more elaborate form of common worship, in which all the excellencies of art are made sub-

servient to devotion and edification. In fact, the 'Hymnal noted' calls our attention to the *rationale* and the reform of the cathedral service. We hope, as soon as may be possible, to notice this excellent little work and its accompanying harmonies, and in so doing, not to exhaust the vast subject we have indicated, but at least to supply some notes respecting it.

We desire to recommend special attention to the Bishop of Exeter's 'Letter to the Clergy of the Diocese of Exeter, &c.' (Murray,) on Archdeacon Sinclair's curious attempt to show that when the Nicene Creed speaks of 'one Baptism for the remission of sins,' the last phrase is a rhetorical ornament. We say that the Bishop's letter is especially valuable, not only on account of the writer's station, not only by reason of the importance of the subject of which it treats, but also in a literary estimate, we remember nothing ever proceeding from the Bishop of Exeter's pen so close, condensed, and clear as these few pages. They are quite a model of composition, rich to overflowing with accurate learning and bright pointed logic. The Archdeacon's essay in patristic literature is—whatever may be its results on his own literary reputation—happy in that it has called forth such a masterly essay as the Bishop's.

Mr. Hudson Turner has published a beautiful volume, profusely illustrated, on the 'Domestic Architecture of the Middle Ages,' (J. H. Parker.) Had our antiquarians of the last century possessed the appliances, literary or artistic, to have produced such a summary of information, we had not been left so much to conjecture as to the domestic habits of mediæval times. With great skill and patience Mr. Turner has availed himself of existing fragments of buildings and of scattered and imperfect notices of manners, and has constructed a large and intelligible picture of Old England. In a few years more such a work were perhaps impossible. We congratulate both author and publisher on one of the most successful works of the day.

Mr. Alford is dissatisfied with our recent criticism on his Greek Testament: this is natural. That he should criticise our criticism in a pamphlet, 'Audi alteram partem: being a reply to the Christian Remembrancer, &c.' (Rivingtons,) is reasonable. That he should write, as he mostly does, with temper and good feeling, is creditable.—We are glad to receive a collection of the same writer's 'Poems,' (Rivingtons,) many of which are old favourites: the collection, which has much beauty and occasional strength, deserves a more elegant form of publication.

Mr. Britton's 'Horæ Sacramentales,' (Masters,) is a full and useful vindication of the Church's doctrine on the Sacraments as contained in the Articles. It deserves to be a text-book on the subject; and we may safely congratulate the author on having performed a difficult task with dexterity and learning. A more substantial case is made out for the Reformers, than some would be prepared to anticipate.

Mr. Hardwick's 'History of the Articles,' (Deighton,) is rather documentary than exegetical: the different phases through which the extant English Articles have passed, the symbolical writings from which they are derived, or which illustrate them, the historical and other circumstances with which they are connected, are in this able volume brought out with great care and diligence.

Dr. Tregelles—from whom a new recension of the text of the Greek Tes-

tament is expected—has published a brief, and not very interesting, volume on 'The Jansenists.' (Bagster.) We look in vain for any statistical or other trustworthy documents as to the existing state of this remarkable community. Dr. Tregelles has had the advantage of an interview with the present Archbishop of Utrecht; but all that he gives us in the way of result is a conversation, which has an odd and constructed appearance. We propose to take up the subject shortly.

The most useful History of England, for schools and young persons, under the unassuming title of 'Kings of England,' (Mozley,) has deservedly reached a third, and, we believe, cheaper edition.

We do not know why the writer of 'Verses for 1851,' (Bell,) has not thought proper to walk in his own name. He has done well, writing on missionary subjects, to get his lines 'edited by Mr. Ernest Hawkins,' but he has quite pith and promise enough to introduce himself to the world. Where all is graceful and earnest, we may specify the 'Scene from an Emigrant Ship,' as pitched to a higher note.

A second volume of that remarkable series, 'Letters on Church Matters,' by D. C. L., reprinted from the *Morning Chronicle*, (Ridgway,) attests the writer's activity, and the prolific nature of his resources. Apart from their importance as a curious contemporaneous history, these letters have high literary value as remarkable specimens of a style vigorous alike and profuse, combining point and closeness of argument with unusual resources in illustration.

Mr. Gresley's treatise on the 'Ordinance Confession,' (Masters,) is at once systematic and practical: in range both of theology and of direct value it exceeds all this respected writer's useful publications. There is—may we add?—something genial and kind, from which others might take a lesson, in coming forward in this way, and on an occasion from which many are tempted to shrink. Mr. Gresley always takes the chivalrous side: while there are certainly public persons in 'the religious world' who find their especial vocation in coming forward in seasons of distress and anxiety with 'precious balms,' in the way of explanations, remonstrances, disclaimers, and vindications, which seem designed to 'break the head' of their friends.

Mr. E. J. Shepherd's 'History of the Church of Rome,' (Longmans,) is an ambitious attempt to apply the Straussian criticism to all historical facts of which we happen to have only the contemporaneous authority of Fathers and Councils. Mr. Shepherd first observes that an event in his judgment is not likely to be true; and then he has established quite ground enough to reject it. To write 'history' on this principle is easy enough. Were not this work executed on a principle so ludicrous it would be mischievous: in purpose it is so.

[*In consequence of the great and unexpected length to which some of our present Articles—and those on matters of pressing and immediate interest—have run, we are reluctantly compelled to postpone the body of our general Notices of New Books, &c., in this department.—ED. CHRISTIAN REMEMBRANCER.]*

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